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COMMITTEE ON THE ELIMINATION
OF DISCRIMINATION AGAINST
WOMEN (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Second and third periodic reports of States parties

THAILAND*

* This document has been reproduced as received.

For the initial report submitted by the Government of Thailand, see CEDAW/C/5/Add.51; for its consideration by the Committee, see CEDAW/C/SR.156, 157 and 160, and Official Records of the General Assembly, Forty-fifth Session, Supplement No. 38 (A/45/38), paras. 214-251.

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# Introduction

Thailand acceded to the Convention on the Elimination of All Forms of Discrimination against Women on August 9, 1985. Thailand's first report was submitted to the Committee on the Elimination of Discrimination against Women on June 1, 1987 and considered by the Committee, in conjunction with a Supplementary Report, during its Ninth Session in January 1990.

Due to the delay in considering that report, which meant the Second Report was due only eight months after the first was considered, this document was prepared as the Combined Second and Third Report, to be submitted in accordance with Article 18 of the Convention.

In preparing this report Thailand has had regard to its previous report and supplementary report, to the proceedings of the Committee in considering that report, to the Committee's guidelines for the preparation of second and subsequent reports and to its General Recommendations.

The information in this report contains information and statistics not included in the first and supplementary reports, and updates the information where necessary from June, 1987, and otherwise from January 1990. It contains the latest available information on April 30, 1996.

In preparing the report non-government organisations, as well as the appropriate government bodies, were consulted in the collection of information. (A list of those consulted is included in the Appendix). Information collected during the very detailed consultations carried out with a wide variety of groups and organisations during the preparation of the Twenty-Year Perspective Policies and Planning for the Development of Women (1992- 2011) and Thailand's Report to the Fourth World Conference on Women was also used in the preparation of this report. Representatives of both government and non- government organisations participated in a meeting in May, 1996 to formally consider the final draft of the report, and the report was adjusted and updated in line with their comments.

The report was being prepared as Thailand conducted extensive nationwide meetings and conferences to inform the population about the Declaration and Platform for Action from the Fourth World Conference on Women and as work continued to include these, together with the principles of the Convention, in all current and future national and sectoral plans.

Thailand looks forward to discussing its second report with the Committee.

# Part One

***Describe as concisely as possible the actual, general, social, economic, political and legal framework within which Thailand approaches the elimination of discrimination against women in all its forms, as defined in the Convention.***

## (a) General Framework

1. Since 1987, when Thailand's Initial Report was compiled, the Kingdom has seen enormous economic, social and political changes, many of which have significantly impacted on women's lives, and their access to human rights. An overall statistical summary of the current position of Thai women in presented in Table 1 below.

| Table 1: The Position of Women in Thailand - A Brief Statistical Summary | |
|---|---|
| Women's Life Expectancy | 71.7 yrs |
| Infant Mortality Rate (1995) | 26.5/1000 live births |
| Female-Headed Households | 16.4 per cent |
| Women With Sole Custody of Children After Divorce | 68 per cent |
| Women Elected to the House of Representatives | 6.1 per cent |
| Women Appointed to the Senate | 8.1 per cent |
| Female Village Heads | 1.9 per cent |
| Female Upper Secondary School Students | 49.4 per cent |
| Female Graduates with Bachelor Degrees | 57 per cent |
| Female Engineering Students | 5.3 per cent |
| Female Wage as a Percentage of Male Wage for Agricultural Workers | 81 per cent |
| Female Wage as a Percentage of Male Wage for Manufacturing Workers | 70 per cent |
| Female Employers | 19 per cent |
| Women at the Top Level of the Civil Service | 3.4 per cent |

2. The Thai population was estimated as 57 million in 1991 and 59.079 million on January 1, 1996, of whom 29.837 million were male and 29.872 female. The distribution of males and females at various age groups is shown in Table 2 below.

| Table 2: Estimate of Population, January 1, 1996 | | |
|---|---|---|
| Age (yrs) | Male (1,000s) | Female (1,000s) |
| 0-9 | 5,550 | 5,258 |
| 10-19 | 6,415 | 6,184 |
| 20-29 | 6,027 | 5,945 |
| 30-39 | 4,565 | 4,720 |
| 40-49 | 3,014 | 3,077 |
| 50-59 | 2,237 | 2,359 |
| 60-69 | 1,313 | 1,404 |
| 70+ | 716 | 926 |
| Total | 29,837 | 29,872 |

3. Urban areas were home to 18.856 million people while 40.853 million lived in rural areas. Of the former, 7.846 million lived in Metropolitan Bangkok. The overall figure represents a national population increase of five million since 1987, the relatively small rise reflecting the current natural growth rate of 1.2 per cent. It is predicted the total population will rise to 70.479 million in 2012.

4. Life expectancy at birth is 66.6 years for men and 71.7 years for women. Life expectancy at 60 (additional years) is 18.8 years for men and 22 years for women. The infant mortality rate fell to 26.5 per thousand in 1995. The total fertility rate per woman is 1.95 and the contraceptive prevalence rate 74 per cent.

5. The 1990 Population and Housing Census revealed that 93 per cent of the total population six years or over was literate, with the male literacy rate of 94.7

per cent slightly higher than the female rate of 91.3 per cent.

## Economic Framework

6. The driving force for change in Thailand has been economic growth, with the nation recording the world's fastest rate of economic growth between 1985 and 1994, an average of 8.2 per cent. Per capita income rose to 60,000 baht in 1994 and an estimated 69,351 baht in 1995 (approximately $US2,775), with the World Bank no longer classifying Thailand as a poor country.

7. Under the 1996 Budget, which allows for total government expenditure of 843.2 billion baht, 19 per cent of government spending will go to education, 12 per cent to security, 9 per cent to agriculture, 8 per cent to transport and communications and 7 per cent to public health. Among the largest increases over the 1995 budget were those for education, a 20.9 per cent increase to 23,132 billion baht, and public health, a 25.37 per cent increase to 11,443 billion baht.

8. In 1995 the inflation rate, as measured by the consumer price index, was 5.8 per cent, up from 5.1 per cent in 1994. The trade deficit for the year was 362 million baht (8.8 per cent of GDP) and the current account deficit rose to 323 billion baht, an increase from 5.6 per cent of GDP in 1994 to 7.9 per cent. External debt as at September 1995 was $US63,884 million, made up of public sector debt of $182 million and private sector $47,536 million.

9. The economic growth over the reporting period has also seen a massive change in the importance in the various sectors of the Thai economy, with manufactured goods share of the GDP rising from 22 per cent in 1985 to 31 per cent in 1995, and its contribution to employment rising from 8.2 per cent to 12.6 per cent over the same period. Over those ten years exports have grown at an average annual rate of 21.2 per cent, and manufactured exports have risen an average of 27.8 per cent each year. The initial growth was in low-tech industries relying on cheap labour, but since around 1990 investment has increasingly swung towards medium-tech industries producing goods such as electronics, computers, petrochemicals, machinery and motor vehicles.

10. While the manufacturing and service sectors have boomed over the reporting period, there has been a significant drop in the importance of the agricultural sector, at least in terms of its contribution to the GDP. This fell from 33 per cent of the total in 1967, to 17 per cent in 1987 and 7 per cent in 1992, yet at the same time the agricultural sector continues to employ approximately 60 per cent of the total workforce.

11. Unemployment is usually low, with the latest available study (the Labour Force Survey of August 1993) finding that 494,400 people or 1.5 per cent of the current workforce were unemployed, of whom 0.4 per cent were looking for work while the remainder were available for work but not actively seeking it. The unemployment level for women (0.9 per cent of the total workforce) was marginally higher than for men (0.7 per cent). It should be noted however that the definition of employed used in this study was applied to those who had worked, with or without pay, for one hour in the survey week, so the results may not reveal underemployment, particularly in rural areas. The figures also hide the fact that poverty may force workers to accept very poor pay or conditions due to the lack of alternative employment options.

12. Tourism has also been important in economic development. Since 1987 (Visit Thailand Year) it has outstripped other sectors as a source of foreign exchange. Tourist arrivals topped 5.4 million in 1995, a 13 per cent increase from the 1993 level, and they provided an estimated 170 billion baht in national income.

Government targets predict a further 6 per cent increase in 1996, although there are suggestions that increased international competition and limits on the "carrying capacity" of Thai tourist areas may eventually lead to a stabilisation of this area of the economy.

13. The proportion of the poor among the whole population dropped from 26.3 per cent in 1986 to 13.7 per cent in 1992. However this has occurred in spite of an overall increase in income disparities, with the gap between the income of the top and bottom 20 per cent of households rising from 12.2 times in 1988 to 15.8 times in 1993. Regionally, the north-east's average household income was 10.2 times lower than that in Bangkok in 1991 and this gap widened to 11.9 times in 1994. Expressed in other terms, the top-earning 20 per cent of households collect a total of 60 per cent of total income, while the lowest-income 20 per cent of households earn only 4.5 per cent of the total.

## Social Framework

14. Not surprisingly, these major economic changes have led to significant social change in Thailand. Much of this has been beneficial to the life of the women and men of Thailand, and increasingly ensured their basic human rights in areas such as health and education. However, significant negative effects, particularly in areas such as social structure and the environment, have also been observed. Some of these have particularly impacted upon women's human rights.

15. The health status of the Thai population is now going through a demographic transition. Traditionally life-threatening infectious diseases have been or are being brought under control (although drug-resistant malaria remains a significant danger in some areas), but new causes of death and disability such as accidents, cancer, heart disease and mental disorders have become increasingly apparent. HIV/AIDS is also having a significant impact on the health status of the population.

16. Access to basic services has also increased significantly. In 1993, 98.6 of the population had access to electricity, 84.5 per cent to sanitary toilets and 77 per cent had a continuous supply of safe drinking water. The latest Ministry of Health survey indicates the level of households with sanitary toilets has now risen to 95 per cent, and a Ministry program aims to ensure every household has a sanitary toilet by the year 2000. (This is viewed as an essential measure to prevent the spread of diarrhoeal diseases.)

17. Thailand has been successful in reducing the level of illiteracy in the nation (to 7 per cent in 1990), but less successful in expanding the average level of schooling. In 1990, 70 per cent of the population had completed primary school only, while 13.44 per cent completed secondary school and 4.9 per cent had a university qualification.

18. A very significant social phenomena over the reporting period has been migration from rural to urban areas, and a move towards industrial employment. From 1984 to 1993, the number of people working in industry rose from 2 million to 4 million, and the proportion of men and women approached equality. During the same time the urban population also grew by about four million. A large amount of this migration was from the poorest north-east region, with 1.1 million people in the 15-30 age group leaving this region, mostly for Bangkok, from 1980 to 1990.

19. Over half of the migrants from the country regions to the cities were women. This reflects the fact that, in seven out of the ten leading export industries, 80 per cent or more of the workforce is female.

20. Despite this migration, Thailand has not experienced the rush of urbanisation seen in many other developing nations. A migration study in 1992 recorded 1.5

million people returning to rural areas from the city. Poor environmental conditions in Bangkok and a desire to return to supportive village communities were among the reasons they gave. Migration tends to be seen as a stage in an individual's lifecycle, rather than a permanent choice

21. Among the negative effects of Thailand's economic growth has been a weakening of family life often, although not always, associated with migration. This has been identified as a major problem for women by women's and other organisations in both the government and non-government sectors. With economic difficulties in rural areas causing migration in the search for work, and smaller family size due to lower birth rates, nuclear families are increasingly the norm in urban areas. Conversely, in rural areas grandparents are often left to care for children while their parents seek work in Thai cities or even abroad. There has also been an increase in births out of wedlock, separation, divorce and desertion.

22. Figures from the 1990 Census indicate that the ratio of nuclear to extended families is approximately equal. Female-headed nuclear household make up about 8.8 per cent of the total nationwide, while about 7.6 per cent of the total are female-headed extended family households. (This means there are nearly 2 million female-headed households in Thailand.) Average household size has been steadily decreasing from 4.98 persons in 1985 to 4.27 in 1995. It is predicted that by 2005 this figure will have fallen to 3.7.

23. Divorce rates have increased significantly in recent decades, rising from 4.4 per 100 marriages in 1960 to 8.1 in 1980 and 9.6 in 1993. These rates reveal considerable regional disparity, with the highest rate in Bangkok being 24.7 per 100 marriages. Even between rural areas there is significant variation, with the rate of divorce in the northern region (10.6/100) being considerably higher than in the northeast (5.4/100).

## Constitutional and Political Framework

24. Thailand is a constitutional monarchy, with King Bhumibol Adulyadej this year celebrating his 50th year on the throne. Under the Thai constitution the monarch is the Head of State. Due to the great respect in which the monarchy is held, it is common for the monarch to offer informal guidance on the political development of the nation.

25. The parliament is bi-cameral, consisting of the House of Representatives and the Senate. Members of the House are elected in multi-member electorates, typically with three members per electorate, and the maximum term of the parliament is four years. Elections are by universal franchise, with secret ballots. All citizens over the age of 18 eligible to vote (The voting age was lowered from 20 in 1995.)

26. Members of the Senate are appointed for four-year terms by the Monarch, who is advised at the sole discretion of the Prime Minister. The Senate has power to block any legislation. The minimum age for a Senator is 35 years, while for the members of the House the minimum age is 25 and the latter must be a member of a political party.

27. Thailand has a multi-party system and there are a large number of parties represented in the House of Representatives. By tradition the leader of the largest party becomes the Prime Minister, provided he or she can form a coalition government and gain the confidence of the House. Under the current constitution the Prime Minister must be an MP. Cabinet, which consists of a maximum of 49 Ministers who do not have to be members of parliament, is appointed by the Prime Minister. The minimum age for a minister is 30.

28. The reporting period has seen significant political developments in

Thailand. Since 1932 Thailand has had 15 constitutions, and considerable political instability. From 1988 until February 1991 the Prime Minister was the democratically-elected Chatichai Choonhavan, but his government was removed in an army coup. Following considerable public protest in May 1992, however, a caretaker government headed by Prime Minister Anand Panyarachun took over and arranged elections which were held in October of that year. This government was responsible for making several important legal and regulatory improvements in women's status in Thailand.

29. These elections brought to power the government of Prime Minister Chuan Leekpai, which served until 1995. Elections were called for July when it appeared the government had lost the support of the House and these led to the election of the current government, led by Prime Minister Banharn Silpa-archa. This successful transition from one democratically-elected government to another was a significant landmark in Thailand's political history and an indication of the increasingly democratic environment being enjoyed in Thailand. Additionally in 1995 the first elections for sub-district government bodies were held as part of a plan to decentralise decisionmaking.

30. Traditionally village heads have been elected, and since 1984 women have been eligible to run for this position. The number of women in this role remains restricted, however, by the fact that village heads serve a five-year term and those elected before 1992 remain in that position unopposed until the retirement age of 60.

31. Although there have been considerable political advances over the reporting period, much remains to be done in the area of political development, as evidenced by a healthy debate about the issues in the national media and among some groups in society. There is considerable concern about vote-buying and other exercise of improper influences against voters. The Eighth National Economic and Social Development Plan notes that "the existing political system is not ... consistent with development in other sectors." But the Plan acknowledges the "significance" of politics in national development and "the inter-relationship among politics, administration and the bureaucratic system."

## (b) Implementation of the Convention

***(b) Describe any legal and other measures adopted to implement the Convention, or their absence, as well as any effects which ratification of the Convention has had on Thailand's actual general social, economic, political and legal framework since the entry into force of the Convention for Thailand.***

32. Thailand is pleased to be able to report that since acceding to the Convention with seven reservations in 1985, five reservations have subsequently been removed or are in the final stages of being removed. Prior to the Fourth World Conference on Women the Prime Minister's Office Minister responsible for the National Commission on Women's Affairs (NCWA) asked the government to withdraw all reservations with the exception of that on Article 29, which is expected to be maintained in line with the practice of many nations with regard to national sovereignty. It is hoped that this goal will be achieved during the next reporting period.

33. In 1990 Cabinet approved the withdrawal of Thailand's reservation to Article 11, Paragraph 1 (b) regarding

employment opportunities, following its decision to order all government agencies to review their discriminatory regulations to allow female civil servants to hold any position except those related to national security. This removed all formal barriers to the advancement of women in the civil service. At the same time Cabinet also approved the withdrawal of the reservation on Article 15, Paragraph 3, regarding women's legal capacity with respect to contracts and other matters. Two years later a further reservation, with regard to Article 9, Paragraph 2, was withdrawn, following the change in the nationality law outlined under the report on the relevant article below.

34. Processes within Thailand to remove two of the remaining reservations, on Article 7 (Equal Opportunities for Access to All Government Jobs) and Article 10 (Equal Educational Opportunities), were completed in 1995. This left only Article 16 (Equality in Family Life and Marriage) and Article 29 (Settling of Disputes by the International Court of Justice) subject to reservations.

35. It is expected that changes in the family law to allow the withdrawal of Thailand's final substantive reservation will be difficult to achieve, in light of entrenched social values. However, as will be explained under the relevant article, Cabinet very recently approved changes which would remove most of the legal provisions which conflict with the Article. The changes in the law which would be required to withdraw the reservation have been widely discussed in the public realm, and the support of the Convention for the changes is expected to be of significant assistance in the debate.

36. As explained in Thailand's Initial Report, the Convention cannot be used as a legal instrument within Thailand. However, as the above account hints, the Convention has had a powerful influence on government action to end discrimination against women and ensure their human rights. Campaigns to change laws and regulations have used it as a standard against which Thailand's laws and practices should be judged, and the Convention's provisions have been generally accepted as representing the standard of equality and human rights which Thailand should strive to achieve.

## (c) Advancement of Women

***Describe the means used to promote and ensure the full development and advancement of women for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms in all field on a basis of equality with men.***

37. As outlined in Thailand's Supplementary Report, in 1989 Thailand established a permanent national machinery for the advancement of women and the protection of their rights, in the form of the National Commission on Women's Affairs (NCWA). It has the responsibility to advise the government on women's issues, to submit policies and development plans as appropriate, to make recommendations on new or amended legislation, to support and coordinate women's development efforts and to regularly report to the Cabinet on the position of women in Thailand. It is thus the primary body responsible for ensuring the human rights and fundamental freedoms of women in Thailand.

38. The NCWA has continued in the form outlined in the Supplementary Report. It has 30 members. Of these 18 are representatives of government organisations, two are representatives of umbrella non-government organisations and ten are appointed for their individual

expertise and knowledge in specifice areas. This latter group, many of whom are active in a wide variety of non-government organisation, are selected from a shortlist of qualified people drawn up by the (ONCWA),with the respresentatives selected Office of the National Commission on Women's Affairs with the respresentatives selected by the chairperson in consulation with existing members to ensure a broad range of qualifications and experience. Commission members serve two-year terms, which may be extended.

39. Government representatives on the NCWA are usually the person who is at the time of the meeting serving in a particular relevant department, for example the director general within the Ministry of Health, Labour, etcetera. This has been identified as a problem in the structure of the NCWA for in many cases these positions are frequently rotated, so that committee members have little time to accumulate experience and to work together as a group. The Prime Minister is formally the chairperson of the NCWA (although this role is customarily delegated to a Deputy Prime Minister), with a Minister for the Prime Minister's Office as vice-chairperson. The NCWA meets three or four times each year and at these meetings principally considers recommendations and reports from the ONCWA and NCWA committees, passing on recommendations to the Cabinet and directing the further work of these bodies.

40. The Committee structure within the NCWA remains central to its work. Seven of the eight committees noted in the Supplementary Report continue, with the National Committee on the Perspective Plan and Policy for Women's Development disbanding after the Plan was completed. A further standing committee, the National Committee on the Family, has been added since then, while the Committee on the Follow-up of the Fourth World Conference on Women, the Committee on the Preparation of the Women's Development Plan in the Eighth National Development Plan and the Committee Preparing for Departmental Status for the ONCWA are ad-hoc committees which are now operational. Two new standing bodies, the National Committee on Women's Labour and Social Welfare Development and the Committee on Violence Against Women, will be formed shortly to consider these issues which have been identified as important in the Thai community.

41. The Office of the NCWA or ONCWA, its Secretariat, has continued to develop significantly during the reporting period. Its initial staff numbered only ten, but as of March 1996 this number had risen to 43. Its budget rose from 1,796,700 baht in 1990 to 20,626,800 baht in 1996 (approximately $US 825,000), a ten-fold increase over the reporting period. In addition to this, considerable assistance was received from dialogue partners who provided funding and expertise particularly in training the staff of the Office and supplying equipment. As a result the Office is now well equipped with appropriate computer technology. A number of the Office staff have had the opportunity to complete post-graduate degrees in women's studies at overseas universities and intra-office training has considerably expanded the skills of the staff in a wide range of areas.

42. In line with the Beijing Declaration and CEDAW recommendations, approval has been given to raise the status of the ONCWA from a division to a department and the procedures needed for this to occur have begun. It is expected this process will take about two years. This will lead to the rating of the position of Head of the Office within the civil service structure being significantly increased.

43. Due to restrictions on increases in staffing levels across the government, the achievement of departmental status is not expected to lead to a significant increase in staff numbers. However, the ONCWA is now negotiating to obtain funding which will allow it to commission non-government organisations and qualified individuals to work on specific projects for

the Office. (Such arrangements have not previously been possible under government regulations.) It is hoped this innovation may make it possible to significantly increase the ONCWA's output without greatly increasing permanent staff numbers. Overall it is hoped that departmental status will give the ONCWA a stronger voice within the government and a higher public profile, as well as expanding its capacity to fulfill its mandate.

44. Over the past seven years as the ONCWA has grown and developed, the scope of its activities has increased greatly. It is now preparing Thailand's Plan of Action for Women in which it is intended to integrate Thailand's National Declaration on Women, Perspective Policies and Planning for the Development of Women (1992-2011), Thailand's Eighth National Economic and Social Development Plan, the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Declaration and Platform for Action, the Jakarta Declaration for the Advancement of Women in Asia and the Pacific and the Beijing Message of the Non-Aligned Movement.

45. It is planned that a consultative meeting of 100 representatives of interested government and non-government agencies will be held to consider this draft Plan of Action. After its finalisation the ONCWA will hold a meeting in Bangkok for 500 participants from interested organisations and the general public to disseminate information about the plan, and four regional meetings, each involving 300 local and grassroots women's leaders, will be held in major regional centres to enlist support for the plan.

46. Over the reporting period the ONCWA has been highly active in many areas. Much of this work is outlined under specific articles in this report, but particular comment deserves to be made on its successes in having new official positions opened up to women, and in the major campaigns organised around the International Year of the Family which focused on the importance of this institution in Thai society, and particularly on the role of fathers.

47. The ONCWA is also responsible for producing a wide range of publications. These include a tri-annual newsletter "*Sarn Satri*" (Women's Newsletter), directories of organisations and individuals working in women's development, many reports of seminars and studies, and translations of important documents such as the Beijing Declaration and Platform for Action (forthcoming).

48. The ONCWA is also the body primarily responsible for disseminating information about the Convention and Thailand's responsibilities under it, throughout government and non-government organisations and the general community. To this end in 1993 it printed a booklet containing both the full Thai translation and the original English version of the Convention on the Elimination of All Forms of Discrimination against Women. This was widely distrubuted to all interested and relevant organisations and continues to be used in educational and research activities. It is planned to print an updated booklet including information on the withdrawal of reservations at an appropriate time.

49. Due to a lack of resources,Thailand's Initial and Supplementary CEDAW Reports were not translated into Thai, but it is planned that this Combined Second and Third Report will be promptly translated into Thai and disseminated widely throughout the community. It is expected it will be used with the Platform for Action from the Fourth World Conference on Women and the Perspective Plan for Women at all levels in planning further development of strategies to assist in the elimination of discrimination against women.

## Gender Statistics

50. The collection and dissemination of statistical data on the position of women has been a priority of the NCWA, in line with the Committee's General Recommendation No 9 and recommendations from the Nairobi and Beijing Conferences. Although much work remains to be done, the contents of this report reveal that over the reporting period there has been a considerable improvement in the collection of statistics identifying the position of women. The NCWA has worked with the National Statistical Office (NSO) and other data collection agencies to educate them on the importance of desegregating data collection by gender, and this is increasingly being done. NGOs have also been involved in the promotion of such statistics. As a result of this work, in 1995 two booklets were printed collecting data on women in Thailand. It is expected these will be a source of information on women's issues for scholars, bureaucrats students and others, also well as promoting the further collection of statistics in areas where data is lacking.

# Part Two

## Article 1: Discrimination

*For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality with men and women, of* human rights and fundamental freedom in the political, economic, social, civil or any other field.

1. The situation explained in Thailand's Initial Report, whereby there is no legal definition of discrimination, remains. As noted in Part 1, however, the influence of the Convention has led to it being widely accepted as a *de facto* standard and the above definition reflects a starting point for public discussion on the issue, and one which is expected to be used in drafting the proposed anti-discrimination law.

## Article 2: Anti-Discrimination Measures

***State Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:***
***(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure,*** through law and other appropriate means, the practical realisation of the principle:
***(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women:***
***(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;***
***(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;***
***(e) To take all appropriate measures to eliminate discrimination against women by any*** person, organisation or enterprise:
***(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;***
***(g) To repeal all national penal provisions which constitute discrimination against women.***

### (a) The Constitution

2. In 1994, following campaigns by NGOs and the NCWA, a provision specifically providing for equality between men and women was re-incorporated in the Thai constitution. (As noted in the Initial Report, this was first included in the 1974 constitution, but removed in 1976). Section 24 of the constitution now states: "All persons shall enjoy rights and liberties subject to the provisions of the constitution. Men and women shall enjoy equal rights. The restriction on such rights and liberties in violation of the spirit of the provisions of the Constitution shall not be imposed."

3. The inclusion of this provision is seen as having considerable moral impact in pushing policymakers and bureaucrats towards non-discriminatory treatment for women. It also has legal force, in that any bill thought to be possibly unconstitutional can be referred to the Constitutional

Tribunal by one-fifth of the members of the House or Senate, and if found inconsistant or contrary to the constitution, the bill lapses. Cases before other courts may also be referred to the Constitutional Tribunal for consideration and decision. Its decision will then be binding on all future cases. In practice, however, the legal appeal process has very rarely been used, and it seems likely the persuasive effect of the amendment will be more important than its possible legal uses.

4. In addition to Section 24, another section of the constitution refers to the human rights of women. Chapter V of the constitution contains "directive principles". As the title suggests these do not have any legal force, but are designed as guidance for the government. Section 67 of these states that "The State should uphold, promote and develop the equality of men and women."

## (b,c) Legislation and Tribunals

5. Thailand has no law forbidding discrimination against women, except the constitutional provisions noted above, which even if enforced would only apply to actions of the State. An NGO, the Women Lawyers' Association of Thailand, is drafting an anti-discrimination law in conjunction with the NCWA, which it is envisaged would encompass both private and public employment and other discrimination issues, but considerable work remains to be done to produce a draft law appropriate for Thailand, and to educate the legislature and public about the need for such a law.

## (d) Government Discrimination

6. As will be outlined in other sections including Articles 10 and 11, all *de jure* discrimination against women by the government has now been abolished (with the exception of within the police and armed forces), but considerable *de facto* discrimination remains.

## (e) Penal Provisions

7. Thailand's Penal Code treats men and women equally and there are no obvious equity concerns for women in its provisions, with the exception of the criminal treatment of abortion. As of January 1996 there were 7,199 convicted women and 71,976 convicted men in jail in Thailand. The ratio of female convicted prisoners to male fell from 1:15 in 1990 to 1:11 in 1994, but the reason for this decrease is unclear.

# Article 3: Appropriate Measures

***State Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.***

8. As reported in Thailand's Initial Report, since 1961 government development measures have operated within the framework of successive five-year plans. This report covers the period of the Sixth (1987-1991), Seventh (1992-1996) and planning for the Eighth National Economic and Social Development Plans (1997-2001). From the perspective of women's human rights, the most notable element of the Sixth Plan was its focus on supporting family structures, the first time these had been made a significant element in the plan.

9. Women's economic and social development, and the elimination of discrimination against them, were included specifically for the first time in the Seventh Plan. It also stressed the need for the "promotion of gender awareness, of a sense of self worth and of the role and participation of women in all facets and stages of the development process."

10. The Eighth Plan, which officially comes into effect on October 1, 1996, aims for a slightly lowered annual growth rate of 8 per cent, with stress on human development and social improvement rather than simply on increase in the GDP. It was formulated after nationwide grassroots consultations.

11. The Plan aims to ensure compulsory education is extended from six to nine years nationwide, with the eventual target of 12 years' education for all. In addressing the issue of wage inequalities, it states agricultural workers' average wages should not fall below 1/13 of that of workers in the non-agricultural sector. The plan says that the poor should account for only 10 per cent of the population, compared to 13.7 per cent in 1992. Environmental concerns are also given a high priority in the plans to rehabilitate forests, prevent erosion and ensure the majority of wastewater is appropriately treated. It also aims to eliminate the involvement of children in the commercial sex industry.

12. Although many of its targets are not specifically gender-related, the Eighth Plan's focus on human resource and equity issues should advance the human rights of women in Thailand. Its consultative process has also ensured that NGOs, including those specifically representing the interests of women, have been widely consulted in its formulation, in addition to the usual government input through the NCWA, which formed a special sub-committee in an attempt to ensure the Twenty-Year Perspective Plan for Women (1992-2011) guided the Eighth Plan's goals in relevant areas.

13. The first Twenty-Year Perspective Plan outlined in Thailand's Initial Report was to have covered the years 1982 to 2001. However, when the NCWA was set up in 1989 it was decided that rapid social and economic change had made left elements of original plan out of date, so a committee was appointed to update and amend the plan to fit existing standards. It is now published in full in a document titled: "Perspective Policies and Planning for the Development of Women (1992-2011)" and was approved by Cabinet in 1995.

14. In general, the revised plan offers fewer numerical targets than its

predecessor, and focuses more broadly on issues such as equality of treatment before the law, equal opportunity to participate in employment and social development and increased educational opportunities for women. It continues the first plan's emphasis on reducing sex-related crime, the commercial sex industry and sexually-transmitted diseases "to a minimum or at least to less than half of the existing level" In the area of health it does set targets, with the following figures to be reduced to at least these levels or below: the death rate of unborn children 1:1,000 births, death rate of infants 15:1,000 and maternal mortality 0.8:1,000 births.

15. The basic minimum needs of women in Thailand, as summarised in the Plan, are reproduced below:

"Personal Characteristics:
1. Women must be endowed with good physical and mental health. They must know how to look after their own physical and mental health, especially during pregnancy, childbirth, the postnatal period and during major physical changes at various stages of their lives.
2. Women must receive education at least up to the compulsory education level. They should be equipped with fundamental intellectual abilities and moral principles, as well as with elementary skills for earning their living. They must be self-reliant and be engaged in types of work which are both suitable and useful.
3. Women must be encouraged to use their rights and opportunities for seeking further knowledge for the full development of their capabilities, and for developing the living standards and values of their families, especially their children.
4. Women must have an understanding of their economic, political and social roles and duties. They must base their lives on moral principles and show kindness and love to others.

Women's Lives and Families
1. Women must have the freedom to choose in matters of love and marriage provided they have proper physical, mental and emotional maturity. Sexual morality must be regarded as equally important for men and women.
2. Women must have the right of decision on birth control methods or abortion when necessary, within the limits of the law.
3. Men and women have joint responsibilities in bringing up their children and with regard to household work. Hence, there should be a suitable division of such responsibilities and work, made with the free consent of both parties.
4. Men and women have the joint responsibility to create warmth and harmony in the family. They should enjoy mutual love and respect, and together devote time to creating a happy and morally sound foundation for the members of their family, especially their children. In doing so, they should also extend their efforts to the wider family circle and the community.

Social Participation
1. Women must participate in determining values and roles, especially those which concern women, at the family and community levels.
2. Women must participate in deliberating over and making decisions on community problems and activities on an equal footing with men.
3. Women in their participation in economic activities, according to their capabilities, must enjoy the same opportunities as men with regard to selection of employment, remuneration and opportunities for advancement.
4. Along with their increased capabilities, women must participate more in all levels of community development, politics and government, including arts and cultural activities and all types of recreational activities."

16. Starting from this base, the plan outlines seven programs. These are: 1. The Development of Women's Potential and Quality of Life; 2. The Promotion of Women's Legal Equality, Safety and Welfare; 3. Women's Participation in Societal Development; 4. The Improvement of the Position and the Solutions to the Problems of the So-Called "Special Groups of Women" (Commercial Sex Workers); 5. Improvement of the Mechanisms for the Advancement of Women; 6. Advocacy and the Dissemination of Information on Women; and 7. Research and Data Collection on Women.

17. Under these programs broad policy direction are given, for example under Subprogram 1.1 (Physical and Mental) Health, Nutritional and Environmental Development) one of the statements of principle is to "promote good nutrition among women, especially pregnant and breastfeeding women (including the extension of the breastfeeding period) and women in older age groups. Thus it is obvious that while the Twenty-Year Plan offers a blueprint for the full development and advancement of women, detailed programs are required to implement its broad aims.

18. The mechanism by which this is achieved is through influence on the National Development Plans (which control the allocation of resources and direction of planning in individual ministries), and through the co-ordinating efforts of the NCWA. It works to ensure that the wide variety of government departments which operate programs either targetted to women or having a substantial effect on their rights operate within the framework of the Twenty-Year Plan.

19. Additionally, the fact that the plan has been adopted by the Thai Government as its formal policy for women's development allows it to be used to influence future detailed policy decisions, proposed changes in the law and other government acts which impact on women's human rights. It is acknowledged however that since the inception of the long-term plan in 1982 there has been no formal evaluation of its effects by any agency. There is currently no formal mechanism through which this might be done.

## Two Areas of Special Concern

### (i) The Human Rights of Women with Disabilities

20. In line with General Recommendation No 18 of the Committee, this report will provide information on the human rights situation of women with disabilities in Thailand. This is an issue which as yet has received little national attention and research, and the following information is based primarily on the results of a seminar held to assist in the preparation of this report.

21. The Directive Principles of State Policies, Section 89 *bis*, in the Thai constitution says that "the State should give assistance and aid to elderly persons and the handicapped to ensure their health, encouragement and hope so that they can enjoy an appropriate livelihood." However, as already noted with regard to the Directive Principle addressing women's equality, this section of the constitution has no legal force.

22. Estimates of the numbers of Thai people who have a disability vary. There are 80,000 people with disabilities registered with the Department of Public Welfare. They receive a basic government pension and free government medical care, but it is acknowledged that many people with disabilities are unaware of the entitlement and are not registered. Other estimates range from the National Statistical Office's figure of 1.057 million, to the Public Health Foundation of Thailand's estimate of 3.43 million (excluding those with a mental disability) made in 1991. According to the National Statistical Office 87 per cent live in rural areas.

23. Difficulties in basic access can be divided into two groups: physical access to buildings, transport and other facilities and services (such as those offered by telephone or orally), and barriers to access created by social attitudes and discriminatory regulations. Both have been identified as major problems for both women and men with disabilities, and groups representing them have recently made representations for government action to enforce improvements in both of these areas.

24. In terms of physical access, provision of ramps on streets, access to public transport (particularly new systems being built in Bangkok) and appropriate toilet facilities are among the areas identified as the highest priority. The Ministry of Labour and Social Welfare is now drafting regulations for facilities for the disabled to be provided in all public places, but these have yet to be considered by Cabinet.

25. Changing attitudes towards women and men with disabilities is equally important for their human rights. In terms of education and employment there has been some government action, as outlined below, but much remains to ensure appropriate attitudes among employers, government officials, schools and others to ensure directed improvements are put into practice.

26. Personal and financial security are further particular concerns, in addition to those noted above, which may particularly affect the human rights of women with disabilities. Disabled women and girls may be particularly vulnerable to sexual assault, particularly from those who have responsibility for, or power over, them. Additionally, financial security may be a particular concern for a women disabled after marriage. While there is no research in this area, it is believed that women in this situation are frequently abandoned by their husbands, while if the husband is disabled, a wife is more likely to support and care for him.

27. In the area of education, there have been some improvements in opportunities for women and men with disabilities over the reporting period. A number of universities have established or planned special programs catering to the needs of women and men with disabilities, and services and numbers of places at schools catering for children with disabilities have also increased, although the General Education Department has estimated that at present only 8 per cent of potential students with disabilities have appropriate services available to them. It has been announced that in 1997 an extra 100 million baht will be allocated to the Education Ministry for the establishment of 12 special education centres for disabled students which will be distributed throughout the country.

28. However, education remains one of the chief areas in which women and girls with disabilities may suffer more discrimination than their male counterparts. Traditional attitudes that place less stress on girls' education, together with fears about the vulnerability to assault of disabled women and girls who live away from home (fears which probably have some basis in fact) means that disabled girls may have no opportunity to even attend primary school, or may be prevented from continuing their education.

29. Discrimination in access to education is likely to significantly affect the job prospects of women with disabilities. Some jobs in Thailand, such as selling lottery tickets and providing therapeutic massage, have traditionally been the preserve of people with disabilities, but few of these are rewarding or offer a reasonable income. Improving technology is seen as offering many opportunities for women with disabilities to work in a wide variety of jobs, but this would require significant changes in the attitudes of senior management of employing bodies.

30. The recently-passed Rehabilitation Act has been of some assistance in improving employment opportunities for people with disabilities. It states that workplaces with 200 or more employees should hire at least one disabled person, or should contribute towards the Rehabilitation Fund. A total of 4,822 employers have indicated their desire to employ a person with a disability, with 3,585 people with disabilities hired thus far. A further 980 employers have opted to contribute to the Rehabilitation Fund.

31. It is agreed there is a need to educate the general community on the needs and

abilities of the disabled, and to ensure that basic services, such as sign language translators, are available at government offices, large companies etc. Seminar participants reported discriminatory treatment from people ranging from air hostesses to doctors, who perhaps perceived the disabled as creating a problem for them in their work, or as somehow being less deserving of consideration. Even with goodwill and a desire to assist, lack of knowledge means members of the public often do not know how to assist. Very few people know, for example, how to help a blind person across the street.

32. Education is also needed for parents, who are often left caring for disabled children with very little information. In some cases, for example, mothers who gave birth to Down's Syndrome babies have abandoned them at the hospital, due either to their perceived inability to care for the child or because they felt a sense of shame, feeling that the disability must somehow be their own fault. The family, through overprotectiveness, can also be a barrier in preventing a disabled person becoming part of society.

33. The important potential role of the media education of the community was highlighted at the seminar, as was the fact that at present very little is done to discuss disability issues in any form in any media outlet.

34. Limited research has been carried out in Thailand into the needs of the disabled, or what might be described as the "culture" of the disabled. At the seminar this was highlighted as another important need. For example in training the deaf, two fundamentally different approaches are employed by different institutions, one focusing on lip-reading and teaching speech, the other relying on sign language. Sign-language is also taught in two different, mutually unintelligible forms, and research is needed to establish which education method is the most practical and appropriate.

35. Overall, Thailand acknowledges that the human rights of women with disabilities is an important issue, and one on which it is hoped progress will be made before the next report.

**(ii) The Human Rights of Non-Thai Women in Thailand**

36. It is difficult to ascertain the overall number of women and girls in Thailand who do not hold Thai citizenship, as they come from a number of different groups and a significant number have limited or no documentation. The number is also believed to fluctuate, particularly due to political and economic conditions in neighbouring countries. At the time of writing this report the United Nations High Commissioner for Refugees (UNHCR) had under its care nearly 29,000 women and girls. Considering the many other groups of non-Thai women addition to these it is reasonable to assume that there are more than 60,000 non-Thai women in Thailand. Among the main groups are: hill-tribe women without Thai nationality, foreign documented workers, detained undocumented migrant workers, non-detained undocumented migrant workers, other undocumented women and girls, displaced persons living in established camps, displaced persons outside camps and stateless people and other transients. In general these groups share a number of problems, although there are also problems specific to individual groups.

37. The term hill-tribe refers to a number of different cultural groups who live in northern Thailand or along western border uplands and which have distinct cultural identities and languages. Many have moved into Thailand at different periods over the 20th century. Their citizenship has often been unclear, and in the past their presence has raised security concerns. In recent decades a large number of the hill-tribe groups' citizenship rights have been recognised, or they have been granted

citizenship, but the position of some still remains unclear.

38. In the past children without household registration have been denied access to education, but in general this prohibition has been removed with regard to compulsory primary education. On completing primary school, however, students in this position are not eligible for the certificate which would allow them to continue to further study.

39. Access to health services, public services and economic opportunities for hill-tribe communities have also improved over the reporting period, with a large number of government and NGO development projects being targetted to assisting these groups. However overall this group remains relatively disadvantaged in these areas, and trafficking and prostitution remains a significant threat to the women and girls in these communities.

40. For hill-tribe women and girls, and for most other non-Thai women and girls, language is a substantial barrier to full achievement of human rights in Thailand. Particularly in the areas of health, education and the assertion of rights in employment and the legal system, it is a significant problem. Thailand as yet has few government services to assist in this area, although translators are provided where required in court cases. NGOs in many cases have translated health and educational material into appropriate languages for these groups, and provide limited translation services where required, but this remains an area of concern, particularly with regard to community health information.

41. The isolation brought by language barriers combine with problems created by undocumented status to create particular dangers in the area of employment, where non-Thai women and girls are particularly vulnerable to exploitation and abuse. The risk these women and girls face in being trafficked into commercial sex work is discussed under Article 6, but there are also considerable problems for non-Thai women and girls working in small-scale industry, sub-contracting, domestic service and construction.

42. Undocumented workers are known to be particularly vulnerable to abuse in the form of unfair wages, well below Thailand's legal minimum wage. Excessively long working hours, dangerous working conditions and restrictions on freedom of movement outside working hours are also known to be not uncommon problems, but these remain difficult to address while the legal status of the workers is unclear.

43. At present there are no legal mechanisms to allow non-Thai women and girls (or men) to work in these areas, although with concerns about labour shortages in some industries Thailand is considering introducing a scheme to regularise the position of these workers. Some limited schemes have already been introduced at a local level to do this, but an important issue is the consequent status of dependents of such workers, as existing schemes tend to be structured only to consider individual employees.

# Article 4: Temporary Measures (Affirmative Action)

*1. Adoption by State Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.*
*2. Adoption by State Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.*

44. The implementation of temporary special measures to address *de facto* inequality, within the meaning of this article, appears highly unlikely in Thailand at the present time, in view of the political and social climate. They would be widely regarded as "unfair", as concepts of equality, rather than equity, currently dominate public discourse. Special maternity measures are discussed under Article 11.

# Article 5: Sex Roles and Stereotyping

***State Parties shall take all appropriate measures:***
***(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority either of the sexes or on stereotyped roles for men and women;***
***(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.***

## (a) Stereotypes

45. Thailand recognises that stereotypes still have significant negative impacts on the socialisation of girls, both within the family, in schools and within the broader society, but also that this behaviour is driven by deep-seated attitudes which will be difficult to change. Three sets of inter-related attitudes impact on this: those relating to girls' and women's work and duties, dangers facing them and their abilities.

46. In terms of duties, girls are often expected to assist their mothers with a variety of work around the house, in part because this is seen as their normal responsibility, and in part as a form of training for their expected future duties as wife and mother. Boys of the same age however will not normally be expected to perform such work, and will have this time free to play, study, or develop other abilities.

47. Girls who express a desire to study or work in non-traditional areas may encounter outright opposition from parents, friends and schools, or they may find simply a lack of support for such choices. In this situation only the most determined and strongest-minded will be able to resist and proceed with their chosen course.

48. Parents are likely to be particularly concerned about dangers, both in terms of physical danger and reputation, facing their daughters. This is likely to lead to situations such as girls being obliged to

return home at a set time, while no such restrictions apply to their brothers, girls being made to catch the school bus while boys can make their own arrangements, girls not being allowed out at night and being generally allowed less freedom and opportunities to encounter new situations and opportunities.

49. Fear for daughters interacts with their third set of stereotypes, those relating to girls' abilities. Parents may feel that daughters are less physically and mentally able to deal with dangerous or difficult situations than sons, and the very protectiveness that has shielded them may make this a fact, as girls who have been offered fewer opportunities to make decisions and solve problems for themselves may not have developed these skills through lack of experience. Peer pressure, which may encourage males to enter dangerous or difficult situations (such as defying school or parental rules) may also assist in developing their abilities to deal with such situations, while girls through their socialisation tend to avoid potentially difficult situations.

50. Migration, while it may have significant negative impacts for adolescent girls and young women, may also be a positive factor in helping to free them from the barriers thrown up by stereotyped attitudes. Away from the close supervision of parents, relatives and a small community, young women may be more able to escape traditional limits and develop their skills and knowledge in new directions.

51. The ONCWA held a seminar as part of its preparation for this report, involving girls and women in their late teens and early twenties. They reported experiencing restrictions due to such stereotypes, ranging from girls in rural areas not being allowed out at night to see publicly-screened movies (often one of the few available entertainment options), to a girl who wished to study motor-mechanics eventually not being able to take that course due to school rules and a lack of support (although not active opposition) from her parents. The seminar participants stressed the fact that it was often other women, most frequently mothers or other female relatives, who applied these stereotypes, and that education and positive examples were needed to encourage change, and a preparedness to accept risktaking among girls and young women.

52. A further important set of stereotypes relate to leadership roles. In the family, communities, businesses, government and general society, these are generally seen as male roles. As will be discussed further with regard to school textbooks under Article 10, and in regard to political leadership under Article 7, these stereotypes both make it more difficult for women to achieve leadership roles, and tend to discourage them from even striving for them.

53. It is acknowledged that the mass media is an important factor in maintaining the stereotypes discussed above, and plays an important part in the socialisation of young people. It has a very broad reach among the Thai population, with figures from 1991 indicating that of 12.7 million households in Thailand, 9.3 million have radios and 7.6 million television sets.

54. Stereotypical portrayal of women are found in all media, from advertisements and dramas to news reports. A 1988 study of television commercials found they were most likely to portray women as beautiful but with no distinct career. The second most common portrayal was as housewives. Two years later an examination of Thai movies found that women were continually portrayed as weaker and inferior to men. Most of the roles were traditional, for example a mother placing more importance on her son than herself, or a wife being obedient to her husband. Sex workers were portrayed as having ruined their lives.

55. One difficulty in achieving a more balanced portrayal of the life of modern Thai women in the media is the low representation of women among those who produce it. Women working in the mass media encounter many of the obstacles facing women working in other industries, as outlined under Article 10 below. There has only been limited data collected on the numbers of female media workers in various areas of the industry, but a survey in the late 1980s found that of a sample of 4332 mass media workers, only 17 per cent were women. As in many other countries there has been a tendency for increasing numbers of women to become journalists and other media professionals, but they remain concentrated at lower levels of the industry, with little decisionmaking power, and many positions, such as those for technicians and camera operators, are barred to them by industry policy.

56. Another problem in attempting to influence the portrayal of women in the mass media is its increasing commercialisation. Newspapers, television stations and other media chiefly aim to provide entertainment which will lead to maximum profits, rather than working for education and human resource development. Because of a perception that stories about stereotyped characters, be they real-life news or dramas, will be well received by the public, they tend to be produced in quantity and strongly promoted. Stories also tend to focus on glamourised depictions of relatively wealthy city dwellers, which does not reflect the realities of life of most viewers and which encourages unrealistic expectations and a focus on materialistic goals.

57. The Twenty-Year Perspective Plan for Women proposes that the government direct that all forms of media cover more positive news and provide more information reflecting the real life of women in Thailand today, but this policy will be difficult to put into practice due to a government commitment to freedom of the press and the high level of commercialisation. Additionally, the Plan calls for more research on the coverage of women in the media and women's involvement in producing media and it is hoped as women's studies programs expand, the quantity of research in this area will also grow.

58. Over the reporting period a number of seminars have been held by the ONCWA and NGOs in an attempt to encourage less stereotyped portrayals and reportage. However it is acknowledged that these have only reached a relatively small number of media professionals, and have had a limited impact on its contents.

## (b) Family Education

59. Thailand's Seventh National Development Plan (1992 - 1996) for the first time formally recognised the fundamental importance of the family in Thai life and the fact that social changes were placing it under threat. There was a realisation that the level of family breakdowns was increasing, as was the abuse of women, children and the elderly within family structures.

60. From 1991 to 1994, working also within the framework of the UN International Year of the Family, the National Committee for the Family organised a wide-ranging campaign to strengthen the family. It produced television broadcasts shown on popular stations, radio spots which continue to be used as tapes by teachers and social workers, ran essay and art competitions and distributed posters and stickers promoting the themes of the year. Its work encouraged the government to declare April 14, during the family- oriented Songran (New Year) Festival, as an annually-celebrated National Family Day.

61. The importance of the male roles of husband and father was a central theme of the Committee's campaign. The need for

men to take a greater share of the household chores and responsibility for child-rearing, and to remain faithful to their wives (particularly in view of the spread of HIV/AIDS), was stressed.

62. In a development which follows on from the Committee's work, the Ministry of Labour and Social Welfare is supervising a national survey on families in more than 60,000 villages nationwide. It is hoped results will assist in establishing family welfare schemes and other social services related to the family. Furthermore, a five-year plan involving five ministries and ten departmental organisations will assist Village Development Committees to care for families in their area. Experts in each province will develop a manual for the training of village-level workers and a monitoring mechanism will be set up at village level to examine the effects of the program.

63. There is however no family education program within the school curriculum, although there is sex-education, which is focused on biological explanation, as discussed under Article 10.

## Article 6: Traffic and Exploitation of Prostitution of Women

***State Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.***

64. Exploitation of prostitution and trafficking in women are major human rights problems in Thailand. Deep-rooted social attitudes make it very difficult to implement appropriate measures which can be used to effectively suppress them. As Thailand's Initial Report stated, legislation penalised commercial sex workers while providing for severe penalties for those who profit from prostitution and particularly those who force women into prostitution, but enforcement of these laws is a major problem.

65. The NCWA and NGOs have been working towards enactment of a new law which will further strengthen penalties and renew the State's prohibition of child prostitution and exploitation of prostitution, but the problem of enforcement will remain. However over the reporting period pressure from the government and advocacy and research by NGOs has led to an increase in the number of raids on brothels and other premises, particularly those employing commercial sex workers under 18 years of age and women trafficked into prostitution through the use or threat of physical force.

66. During the reporting period there have also been considerable advances in attitudes, in that trafficking and exploitation of prostitution have been increasingly regarded as two of Thailand's most serious social and human rights problems, and both government and non-government organisations have launched considerable efforts to combat them. The government has stated clearly that there should be no commercial sex workers under the age of 18, no exploitation of prostitution and no trafficking into prostitution.

67. Programs to achieve these goals have largely been directed towards girls and women, either offering them alternatives to becoming commercial sex workers or aiding them in leaving the work. Recently some programs have begun which aim to change general societal attitudes, particularly those of potential customers, and the girls' parents.

68. The reporting period has also seen an increasingly sophisticated understanding of the problems developed among both government and non-government workers

in the field. There has been an increasing realisation that these are not simply related to poverty, but that social attitudes play an important part both in the demand for commercial sex services and the trafficking of women and exploitation which occurs within the industry.

## (i) Causes

69. Two groups of social attitudes have combined to encourage the development of a large and lucrative commercial sex industry in Thailand, and with it a high incidence of exploitation of prostitution and trafficking in women. Firstly, attitudes towards what is considered normal or acceptable male behaviour have encouraged men to visit commercial sex workers. There is no word in the Thai language for a male virgin and a young man who admits to being such is highly likely to be ridiculed by his peers. It is considered normal in many social groups for a man's first sexual contact to be with a prostitute, usually accompanied by friends. Visiting commercial sex workers continues to be considered part as group leisure behaviour.

70. A variety of studies have shown that many Thai men visit prostitutes regularly. One claimed that four to six million Thai men frequent commercial sex workers regularly, that is at least once a month, while the Ministry of Public Health in 1989 estimated that 4.2 million men visited commercial sex workers. Other studies have indicated that 75 per cent of Thai men have had sex with a commercial sex worker at some time in their lives and 48 per cent experienced their first sexual intercourse with a commercial sex worker.

71. Attitudes condoning prostitution are not confined to men. There is a perception among both women and men that prostitution protects "good" women against rape, while many wives report preferring their husband visit commercial sex workers rather than take a minor wife, which is perceived to be a much greater threat to family stability.

72. There seems however to be a trend towards men visiting commercial sex workers less frequently or stopping visits, which is partly in response to the perceived threat of HIV/AIDS and partly due to perceptions that non-commercial intercourse is now more possible as societal mores change. Research among vocational students in Bangkok and military conscripts in Chiang Rai have confirmed this trend, and the reasons for it, but it is estimated that 20 to 30 per cent of men still visit brothels regularly.

73. The second group of social attitudes which contribute to the problems of trafficking and exploitation of prostitution are those which may push women to become commercial sex workers. These relate to daughter's duties to their parents and attitudes towards female virginity. In the Thai social structure both sons and daughters have a duty to repay their parents for the effort of raising them. This is expressed in terms of "paying back" of "the breast milk." Men can in part fulfill this duty by entering the monkhood for a period to make religious merit for their parents, but women cannot do this due to the lack of an order of female monks within the Thai Buddhist tradition. Instead they are expected to contribute materially to their parents' well-being, and for many women with limited education and work opportunities, prostitution may be seen as the only way of doing this, and are thus overtly or indirectly coerced into prostitution in this manner.

74. A further problem arises from the very high value still placed upon a woman's virginity. This may leave a girl or woman who has been abused within her family, involved in an illicit relationship or who has been raped with very low self-esteem and feeling her future fate is not important, making her an easy victim for traffickers. Such attitudes can also make it difficult for women who have been commercial sex

Workers to be accepted within a different working environment or within their home community and may mean women or girls who have been forced into commercial sex work will remain there because they see no other options.

75. Increasing materialism has also been identified as another factor which may push many women and girls into commercial sex work. Research in northern Thailand shows that many families who could afford to live without the extra income still push their daughters to become prostitutes to pay for "extra" items such as videos, televisions and vehicles

76. Additionally, some women, notably university and college students, become "part-time" commercial sex workers to provide funds for a relatively lavish lifestyle. these women, although often entering commercial sex work freely, are still be vulnerable to exploitation and abuse because of the overall structure of the industry.

77. Promotion and growth of international tourism has also played a part in encouraging the establishment of entertainment places for tourists where sex services are available. The origins of this sector of the commercial sex industry in Thailand developed during the Vietnam War. From 1964 to 1976 50,000 foreign soldiers were based in Thailand while about 700,000 came annually for "rest and recreation". After the war ended the commercial sex workers and the businesses in which they worked then switched to catering to the international tourist trade. Tourism arrivals rose from 1 million in 1973 to two million in 1981. In 1990 and 1991 the figures were 5.3 and 5.1 million respectively, and the figure continues to increase, although at a somewhat slower rate. A survey in 1990 found 65 per cent of these were unaccompanied males. The German Health Ministry in 1995 found that 30 per cent of the total of German tourists visiting Thailand came solely for sex services.

78. Although not directly supported by the government, this growth of sex services was an inevitable result of the push for tourism, which was seen as a very valuable source of foreign exchange, and very little effort was made to discourage sex tourists. Official campaigns to promote Thailand abroad often used pictures of beautiful, apparently submissive Thai women who were presented as being ready to serve any male whim. In recent years the focus of tourism promotion has shifted somewhat and it has increasingly targetted the "family" market and female tourists, but the images created by earlier campaigns will no doubt linger for some time

79. Another major area of concern related to tourism has been foreign paedophiles who seek commercial sex services from children, both female and male, in Thailand. There have been some recent law enforcement successes in this area, with a number of men being successfully prosecuted and jailed within Thailand for sexual offences against children. In other cases Thai authorities have cooperated with prosecutors in the growing number of countries which have enacted legislation allowing prosecution of their nationals for sexual offences against children in other countries.

80. A vitally important factor in maintaining the commercial sex industry is its lucrative nature, and the power this brings to those who control it. With such financial muscle behind the industry, it is very difficult to enforce measures against the trafficking and exploitation of women within the industry, and the potential profits are a powerful force encouraging further trafficking and exploitation.

### (ii) Exploitation of Prostitution

81. Widely varying estimates have been produced for the number of female commercial sex workers in Thailand. The NCWA estimates there are 150,000 to 200,000, of whom 15 to 20 per cent are children under the age of 18. This

compares to the Department of Communicable Disease Control which in January 1995 estimated there were over 81,000 commercial sex workers in Thailand working in a total of over 6,500 establishments offering sexual services One NGO has estimated that there are two million commercial sex workers of whom 800,000 are under the age of 18. The government believes this last estimate very significantly overstates the problem as, with a total population of 3.1 million of girls aged between 12 and 18, this would mean one quarter were engaged in commercial sex, while in terms of overall population this would mean one woman in 14 was a prostitute

82. Women working in places of entertainment are not protected by the labour laws and there are no regulations concerning their hours or conditions of work. Most places of entertainment do not give any days off and those that do give a maximum of two days a month. Any extra days of leave, including sick leave, result in a reduction in pay. The basic salary is usually below the minimum wage and women must depend on tips, drinks and customers to compensate. Many entertainment places require that female employees regularly produce a medical certificate for STD and HIV checks. The women must generally pay for these, and any necessary treatment, themselves.

83. In many cases brothels operate through a system of bonded labour, with an advance payment being made, often to the woman's family. Very high interest rates are charged, and the women also face high additions to the debt from unreasonable charges for food, clothing, makeup and other items. In these circumstances the women also often face severe restrictions on their freedom of movement until the debt is paid off. This makes it particularly difficult for them to access information and medical and other services.

84. It is generally believed that the age of recruitment of commercial sex workers into prostitution has been steadily falling, due to a number of factors. The HIV/AIDS epidemic has led to a demand for younger girls in the (false) belief that they are less likely to be infected. Additionally, increasing demand for commercial sex workers, combined with the number of young women falling in line with the reduced rate of population growth over the past two decades, has simply led to demand for women to work as commercial sex workers outstripping the number of available women over 18.

85. There is also a perception that increasing rates of family breakdown is contributing to girls entering the commercial sex industry. Fathers often do not accept economic responsibility for their family, parents may be divorced or separated or children may have been left with distant relatives, a situation which may leave them vulnerable to abuse. Within the broken family situation these children may run away to attempt to live on their own and eventually turn to prostitution to survival.

86. At whatever age, a low level of education clearly makes it more likely that a woman will become a commercial sex worker. One study found that one fourth of commercial sex workers had never been to school and another quarter had not finished primary school. Most have no vocational training of any type and have little hope of earning more than the minimum wage, if that, in any other occupation. They are very vulnerable to exploitation, being unaware of their legal rights, unable to understand contracts they may have signed and with little or no knowledge of where they might seek assistance and support.

### (iii) Trafficking

87. Trafficking occurs in a variety of forms. In some cases women are trafficked through the use of physical force or the threat of physical force, but more commonly debt bondage or coercive social pressures force women to

become commercial sex workers. Many women are deceived about the type of work they are being taken to perform (typically being told they will work as a waitress or maid), or they may know they are being taken to work in the sex industry, but are misled about the pay or other conditions of work, debt incurred, interest rates or repayment schedule. Traffickers and procurers usually make only verbal agreements with the women they traffic, so it is usually impossible to prove the deception has occurred.

## (iv) Programs to Prevent Trafficking and Exploitation

### (a) Education and Training

88. As noted previously, during the reporting period government and non-government organisations have particularly focused on offering girls and women alternatives to becoming commercial sex workers and on aiding those who wish to leave the industry. A major step has been the extension of compulsory schooling from six to nine years, which takes effect in the new school year starting May, 1996. Before this time a large number of scholarship programs were introduced, particularly in northern Thailand, to encourage girls to continue their education beyond primary school and it is expected these will continue to try to ensure girls remain in school. The rationale behind this major strategy is that further education will leave the girls better equipped to understand and see through the strategies of sex industry recruiters, while greater maturity will allow them to stand up against any family pressures to enter the sex industry.

89. To ensure women and girls have an alternative source of income, vocational training is being provided, particularly in areas known to be important sources of commercial sex workers, to try to assist vulnerable women and girls to remain in their villages and earn a reasonable income. Migration to larger centres increases the chances they will enter the sex industry, even if this was not the initial purpose of their migration.

90. Special courses have been run in these areas for women and girls in "high-risk" groups to increase their self esteem and educate them on the recruitment techniques used by sex trade agents, and on the false information spread by them. They have also been educated about the danger of HIV/AIDS and information has been disseminated through the mass media about the realities of commercial sex work and its dangers.

91. A number of programs have also begun to encourage a change in general societal attitudes towards prostitution, particularly among parents, teachers and other influential community members. With help from international dialogue partners, videos and television and radio programs have been produced in an attempt to discourage support for the sex industry in any form. It is hoped that family education programs, such as that focusing on "One Man, One Wife" will also act to reduce the demand for commercial sex services.

92. For women who have been commercial sex workers and now want to leave the industry, both NGOs and the government offer a number of programs. The Department of Public Welfare operates five homes catering to up to 250 women (this also includes women with family problems). Some commercial sex workers are ordered to spend a year in these after court appearances, while in other cases police may direct women to them. The homes offer six-month training courses in many traditional female occupations such as dressmaking and childcare, and also limited training in non-traditional areas such as plumbing and motor mechanics.

93. However many women do not stay in these homes for sufficient time to complete a course, and some who do complete courses do not reach a commercial standard. Overall in all of these programs,

both government and NGO, there has been an increasing awareness that it is essential training be commercial and practically oriented to prepare women for reasonably well-paid jobs in occupational areas in which there is a high demand for workers. Recently-started programs, which have often involved cooperation with the corporate sector, have been more closely tied to employment opportunities and are beginning to demonstrate a higher degree of success in preparing women for jobs which are available and reasonably paid.

**(b) Legal Reform**

94. As mentioned above, the NCWA and NGOs have been working in concert to promote a new law to replace the 1960 Anti-Prostitution Act. The principal changes it would introduce would be lighter penalties for commercial sex workers and a widening in the definition of a "brothel" to cover establishments used for contact between prostitutes and clients which should considerably reduce policing difficulties due to legal technicalities. These now present considerable difficulties to law enforcement officials as it can be very difficult to prosecute owners of establishments not overtly offering sexual services, but where such services are arranged, such as cafes, restaurants, escort services etc.

95. Compared to the 1960 Act the proposed new law also considerably increases penalties for brothel owners, pimps, procurers and traffickers, and introduces penalties for parents who knowingly sell their children into prostitution. There was considerable debate in the Juridical Council during the drafting of the bill over the possible punishment of any customer of a commercial sex worker, but it has been generally felt that societal attitudes, and the parliament, would not yet support such a provision.

96. Some NGOs have criticised the bill in that some penalties are lower than those contained in the Penal Code for certain offences, notably for customers having intercourse with child commercial sex workers and for brothel keepers. However the reality of law enforcement, which has meant these heavier Penal Code penalties have not been used, means that the law offers considerably harsher punishments than the 1960 Act which it replaces.

97. Under this bill children will be sent to temporary centres, a process that will be overseen by a national committee with a majority of NGO representatives, and involving decentralisation of supervision of the care for these girls to the provincial level. Thus the major changes in the bill from previous practice is that it takes the decision on the future of the children away from the sole control of the government, and from a centralised agency to a local one.

98. The new bill was approved by the House of Representatives in April 1996, and will now be considered by the Senate. It is hoped it will become law within the year.

99. The NCWA and NGOs have also been promoting another piece of legislation, the Act on Traffic in Women and Children, which is designed to replace the 1928 Act on the Prevention of Traffic in Women and Girls, which is *lettre morte*. This legislation has been approved by Cabinet but has not yet been considered by the parliament. Like the new Prostitution Act, this bill had been partially considered by parliament during the term of the previous government, but constitutional provisions mean that when a new government takes office such a process has to re-start. In view of the relatively short terms of recent Thai governments, this factor has considerably handicapped efforts to pass new legislation impacting on the human rights of women in Thailand.

## (V) Two Areas of Special Concern

### (a) Non-Thai Women and Girls in Thailand

100. NGOs have estimated that at any one time there are 20,000 to 30,000 women and girls from Myanmar working in the commercial sex industry in Thailand, with 10,000 new entrants into the work each year. They are believed to represent the largest group of foreign commercial sex workers in Thailand, while Chinese women and girls, chiefly from Yunnan province which contains groups with linguistic and cultural ties to Thailand, are believed to be the next largest group, with police from the province estimating 5000 girls and women leave the province each year to go to Thailand for this purpose. Cambodian, Lao and Vietnamese women and girls are also trafficked into Thailand for commercial sex work, although in relatively smaller numbers.

101. In some areas, particularly along border regions and in certain types of brothel, foreign commercial sex workers are believed to be in the majority, so, for example, it has been estimated that 70 per cent of commercial sex workers in Chiang Rai (near the Myanmar, Lao and Chinese borders) are illegal immigrants from China and Myanmar. Women and girls from hill tribes, from Thailand or neighbouring countries, whose citizenship status is often uncertain, are also a significant group among commercial sex workers.

102. As already noted under Article 3, these women and girls are even more vulnerable to exploitation and human rights abuses than their Thai counterparts. The majority do not speak Thai and are not well informed about their rights in Thailand or organisations which might assist them. Many may have even been moved from their native country without their knowledge and with no, or false, documentation. They often have little or no education and may be ignorant about even basic facts such as their location. Even if they do make contact with supporting organisations in Thailand, language barriers can create considerable difficulties.

103. Their legal status creates further problems, both for the girls and women and organisations which try to assist, as it is illegal to harbour them. Under the law illegal immigrants, including those who might have been forced into commercial sex work, are forced to either pay a fine or be detained for six months before being expelled. This involves detention in immigration centres which are able to offer only very basic services. In practice, a number of cases have been dealt with sympathetically on humanitarian grounds, with NGOs being allowed to care for foreign girls and women and offer them appropriate counselling and other services before repatriating them to their home country. However, on some occasions it is difficult or impossible to effectively ensure that women and girls are being safely repatriated to their home country.

104. In an attempt to ensure these women and girls are dealt with in a fair and humanitarian manner, Thailand is working with the International Organisation on Migration (IOM), in cooperation with NGOs and other national governments, to assist women and children from China, Cambodia and Vietnam who have been trafficked into Thailand to return to their homes and sustainably re-integrate into Their communities. this program, which began in February 1996, aims to assist approximately 160 women and children over an 18-month period.

### (b) Thai Women in Foreign Countries

105. Thai women are trafficked aboard both for sex work and other work, including labouring, manufacturing and domestic work. This section will consider both groups as there are considerable similarities in the causes and control measures which Thailand has adopted in an

attempt to prevent trafficking and assist trafficked women

106. As might be expected, determining the number of Thai women trafficked abroad is very difficult. As of January 1996 there were reported to be more than 40,000 illegal Thai workers in Japan, and about 7000 were in prison. About 40 per cent of these were illegal sex workers. Other places to which Thai women are believed to be trafficked for sex work include Singapore, Taiwan, Germany and other developed nations.

107. Women may be trafficked for non-sex work to the same destinations, and to virtually any developed nation. A typical example is the 60 illegal immigrant workers rescued from a US garment factory in August 1995, the majority of them women. These workers by their own account were promised wages of at least 35,000-40,000 baht a month in the US, six or seven times what they would expect to work at home but were receiving very little money.

108. Thailand attempts to prevent trafficking of both groups through the Ministry of Foreign Affairs, which examines all passport applications. It checks these against records of previous problems such as illegal acts or forged passports, both in Thailand and abroad and also monitors applicants within certain categories believed to be at high risk of being trafficked. Female applicants possibly at risk are referred to the Division for the Protection of Women's Rights in the Department of Public Welfare, which usually conducts an interview with the woman and an investigation of her circumstances. A report is then forwarded to the Ministry of Foreign Affairs for final determination. In 1995, 1016 cases were investigated.

109. Traffickers use a variety of techniques to avoid these checks - in some cases simply smuggling the women from the country, in others using false documents or bribery. In some cases the women are aware that they will be commercial sex workers (but generally they are not fully informed of the conditions under which they will be working or the charges the traffickers intend to levy against them). In other cases women are told they will be waitresses or hostesses. Some cases have also been uncovered, particularly in Germany, of false marriages contracted so that women can enter the country and then become commercial sex workers.

110. The Thai government provides appropriate consular support services for women (and men) having been trafficked from Thailand for work overseas. Additionally, in recognition of the problem, within the reporting period the Thai government has donated 2.5 million baht to five civic groups in Japan which assist illegal Thai immigrants, including commercial sex workers.

# Article 7: Political and Public Life

***State Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:***
***(a) To vote in all elections and public reference and to be eligible for election to all publicly-elected bodies;***
***(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;***
***(c) To participate in non-governmental organisations and associations concerned with the public and political life of the country.***

111. Thailand is pleased to be able to state that over the reporting period significant progress has been made in reducing discrimination against women's participation in political and public life. A number of public positions, previously barred to women by law or custom, have been made accessible, and the level of women's representation has increased in a number of areas of public life. It is acknowledged that Thailand is still a considerable distance from achieving the target of 30 per cent of women in decision-making positions set in the Twenty-Year Perspective Plan for Women, but progress has been made.

112. It should be noted, however, that progress has started from a very low base. While Thai women have traditionally had important economic roles, and consequently economic rights, traditional stereotypes have indicated that public leadership roles should be taken by men. These attitudes remain a powerful barrier to further advances in Thai women's political participation and continue to discourage women from attempting to achieve leadership positions. The fact that politics is often not perceived as an attractive profession, or one whose practitioners are highly regarded, is also likely to discourage women from standing as candidates.

## (i) Elected Positions

113. As noted in Thailand's Initial Report, women have enjoyed equal voting rights since the first national election in 1933. In 1992 for the first time the sex of voters was formally recorded and it was found that more women than men voted. They were 50.62 per cent of eligible voters and 50.82 per cent of voters, meaning that in numerical terms 300,000 more women than men went to the polls.

114. In the most recent elections for the House of Representatives, in 1995, the highest ever percentage of women - 6.1 per cent - were elected, with 24 female MPs in the 391-seat House. Female candidates represented 10.2 per cent of the those who presented themselves for election and their success rate, at 10 per cent, was somewhat lower than the average for male candidates (17 per cent). There is insufficient research to clearly explain this disparity, although it may be that in the multi-party electorates female candidates were less likely to be given high priority on the ballot, or they may have been more likely to stand in electorates where their party stood little chance of success. (Under Thai electoral law parties must stand candidates in at least 50 per cent of seats, but the law does not require these candidates campaign vigorously to be elected.)

115. There was a drop in the representation of women in Cabinet following the 1995 election, with only one female Cabinet Minister, who was however given an important portfolio as Deputy Interior Minister. In the previous government there were two female ministers. Before 1992 there had however generally only been one female minister in each Cabinet.

116. The increase in the number of female MPs in the House of Representatives represented a continuation of a very slow but steady trend which has seen the participation of women in parliament increasing. After the 1938 election there were 10 women MPs from a total of 347 (2.9 per cent), after March 1992 election 12 of 348 (3.4 per cent) and after September 1992 15 of 345 (4.3 per cent)

117. The representation of women in the Senate, appointed on the advice of the Prime Minister, has also shown a significant improvement over the reporting period, most notably in the appointments made in March 1996, which saw the number of female senators double to 21, representing 8.1 per cent of the House. The constitutional practice is that senators are appointed to be representative of various sectors and groups in society, and these women were appointed to represent NGOs, business, the civil service, artists and other groups.

118. At the level of local government, there have been significant changes since Thailand's Initial Report which have given increased political rights to Thai citizens, particularly those living in rural areas. With the passing of the Subdistrict Council and Subdistrict Administrative Organisation Act in 1994, the process of decentralising power to the sub-district level (which generally consists of on average around eight villages) was set in place. This sees previously appointed bodies being replaced by elected officials.

119. By the end of 1995 fewer than 1000 of the six thousand sub-districts had met the criteria to hold elections. In 1996, 2143 councils in 71 provinces will be elected and it is expected that within a few years all sub-districts will have met the criteria to hold elections. In elections held for these councils on April 28, 1996, there were 88,378 male candidates and 9,665 female (9.9 per cent). Women made up 8 per cent of the successful candidates, with 3,389 women among the 42,730 representatives elected.

120. The representation of men and women in various positions elected/appointed local government positions as at December 1995 is shown below:

**Table 3: Representation of Women in Local Government Positions: December 1995**

| | Male | Female | % Female |
|---|---|---|---|
| Village Chief | 58293 | 1123 | 1.9 |
| Sub-district Chief | 7011 | 97 | 1.3 |
| Member of Provincial Council | 2012 | 136 | 6.3 |
| Member of Municipal Council | 2177 | 187 | 7.9 |

121. As noted in the Initial Report, the level of women in these positions has started from a very low base, as women were only allowed to be elected as village chiefs from 1982. Those elected before 1992 (all but about 1 per cent male) remain in office until the retirement age of 60, while those elected since then face five-yearly elections. The fact that many male incumbents will remain in office for many years obviously assists in keeping the number of female village chiefs low. The fact that some progress is being made is however illustrated by the fact that in 1987 only 0.7 per cent of village chiefs were female, as compared to the 1995 figure of 1.9.

122. A number of barriers have been identified which may prevent women standing for these local administrative positions, in addition to the traditional prejudices against women taking directive positions discussed above. The minimum educational qualification for Village Chief is completing basic education (four or six years) and past prejudice against women's education means older women may not have had this opportunity. Work as wives and mothers, in addition to paid work or unpaid farm work may leave many women

without time to run for and hold the positions, and the customary times for formal and informal meetings and campaigning may conflict with other responsibilities.

123. In addition, many potential female candidates lack self confidence, particularly in public speaking, and do not have an opportunity to develop this skill in a sympathetic environment. There are thus difficulties both in ensuring the electorate recognises the legitimacy of female candidates, and in potential female candidates recognising that they have the skills and abilities necessary to represent their peers.

124. Both the NCWA and NGOs have been operating programs to attempt to o encourage women to stand in elections and to equip them with the skills and knowledge to be successful in their efforts. These have been operating at both local and national levels, and a number of the trainees have been successful in subsequent elections. Non-formal education programs are also important for providing women with the skillls they need to run, while over the reporting period provincial government officers have been trained to encourage female candidates in local elections.

## (ii) Public Office

125. Many of the formal and informal barriers which prevented women from occupying public offices have been removed during the reporting period. Among these have been moves which have opened to women senior regional administrative positions under the Ministry of the Interior, (of which previous inaccessibility to women was noted in Thailand's Initial Report). These include the positions of district accountant, provincial excise inspector, prison control officer and forestry officer.

126. In January 1993 the resolution of the Council of Ministers (effective since 1978) which had prevented the appointment of women as district officers *(palad amphur)* wa removed. This position has traditionally been seen as part of the normal career path towards governorships. Later that month the first-ever female governor, together with one female deputy governor and 10 female district officers, were appointed. As the chief representative of the central government in each of Thailand's 75 provinces, governors have a very important and influential role and are seen as responsible for caring for the well-being of every person in the province. At the next level of administrative division, district officers are seen as having a similar role.

127. The number of appointments of women as district officers and governors remains at a token level, as is the case with sub-district officers, of which only 13 out of a total of 7890 were women in 1993, but at least the precedent has been set in appointing women to these positions. A further promising advance was the opening to women in 1996 of the District Officers' School, which will allow women to enter the position through the traditional career path.

128. In the judiciary, women have also made significant advances, as demonstrated by the following table:

**Table 4: Percentage of Female Judges**

| | 1986 | 1993 | 1995 |
|---|---|---|---|
| Trial Court | 3% | 18% | 17% |
| Court of Appeal | 0% | 6% | 9% |
| Supreme Court | 0% | 0% | 0.8% |

129. The first female Supreme Court judge was appointed in 1995, and the fact that in 1994 27 per cent of judge trainees (out of a total of 135) were female suggests these figures are likely to further improve in the future. The number of female prosecutors has also risen significantly, with 10 per cent of prosecutors in 1994 being women, a total of 167 compared to 1414 men.

130. Another recent advance for women in public office has been the announcement that five female officers will be appointed to the rank of General in the armed forces. This will be another first for Thailand, with the Defense Council reversing its previous opposition to such a move. Women will however be restricted to Major-General and corresponding ranks, and commands will be in administrative, finance, nursing and other non-combat roles. This is another example of the influence of the Convention, as the decision came after the NCWA asked the Ministry of Defence to reconsider its regulations on the promotion of women with reference to CEDAW provisions.

**(iii) Administration of NGOs**

131. A study in 1990 found that of 191 registered NGOs in Thailand, approximately 26.3 per cent of the higher-level administrators were women, while 35.6 per cent of the coordinators were female. The fact that these levels are generally higher than found in government positions is a reflection of women's traditional interest in social welfare issues and the fact that NGOs may attract women from higher socio-economic groups due to traditional expectations about their role in society. Of the 30 NGOs registered in 1987 whose work was directed specifically towards assisting women, 26 were managed by women.

## Article 8: International Representation and Participation

***State Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organisations.***

132. Women are still significantly under-represented in the Ministry of Foreign Affairs, Thailand's main institution for conducting international relations. In the executive levels, as at March 1, 1996, at C8 of 132 officers 27 per cent were women, at C9 16 per cent of the 63 officers were female and at C10 only 7 per cent of the 76 officers were female.[1] The head of department (C11) was male, and this position has never been held by a woman. Correspondingly, only a handful of Thai women have ever been appointed as ambassadors to foreign countries - the greatest number at any one time having been five.

133. Yet these figures reveal a considerable improvement over the reporting period, an improvement illustrated by the fact that in 1985 there were only seven female officials from C7-11, yet in 1996 there were a total of 51 from C8 up. The fact that women now significantly outnumber men at about 54 per cent of lower levels of officials suggests that this improvement is likely to continue, ensuring women are increasingly able to represent Thailand in official international forums.

134. Female officials in other government departments also have opportunities to represent Thailand at the international level. At present, however, no data available on any specific discrimination which may occur in this area.

135. Thai women have however been prominent, with support from the government, in a number of multi-lateral

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1 Officers in the Thai Civil Service are ranked in grades from C1 to C11, with C11 being the highest rank, of departmental permanent secretary or equivalent. Ranks from C8 upwards are regarded as executive positions.

forums, particularly those concerned with women's issues, including the United Nations Commission on the Status of Women and the International Research and Training Institute for the Advancement of Women. Thailand has contributed annually to the INSTRAW trust fund since 1985 and to UNIFEM since 1984. The government supported, together with international funding agencies, 25 grassroots Thai women, villagers, community workers and labour leaders, to go to Beijing for the NGO Forum associated with the Fourth World Conference on Women, as well as supporting a significant female-dominated official delegation.

136. The representation of Thai women within the United Nations and associated organisations has however remained very low. Only one Thai woman has attained D1 (Director) rank within the UN system.

## Article 9: Nationality

***1. State Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.***
***2. State Parties shall grant women equal rights with men with respect to the nationality of their children***

### 1. Rights on Marriage

137. Some elements of Thai law continue to discriminate against women with regard to Thai nationality, and rights related to nationality. As noted in Thailand's Initial Report, a foreign woman who marries a Thai can apply for Thai citizenship, but the same right does not apply to an alien man married to a Thai woman. However in April 1996 Cabinet approved a resolution to give foreign men with a Thai spouse the same rights as foreign women in the same situation. This proposal is now expected to be presented to Parliament.

138. A further discrimination against foreign women arises with regard to the ownership of land. Any Thai who is married to a foreigner is forbidden from owning property in Thailand (with some limited exemptions with regard to condominiums which are exempt from foreign ownership rules). Although this law applies equally to men and women, in practice only Thai women with foreign spouses suffer from it. As their identity card will reveal both their marital status and their husband's non-Thai surname, this law is easily enforced against them. Even if they inherit property from their parents or other family members, they are forced to dispose of it within 180 days. Thai men, whose marital status is not recorded on their identity cards, can however easily evade these regulations.

139. The property ownership rules may also impact negatively on a foreign woman married to a Thai if the marriage should end due to divorce or the death of the husband. If the woman has not adopted Thai citizenship she will then not be entitled to own property.

140. There has been some public discussion about the discriminatory elements of these laws, but as relatively few people are affected by them there has as yet been little serious impetus towards change.

## 2. Rights of Children

141. As previously noted, Thailand has withdrawn its reservation on this item, following a change in the Nationality Act in 1992. Under the former law a child born in Thailand with a Thai mother and an alien father was denied citizenship. The change in the law gives Thai citizenship to any child with a Thai mother or father born on Thai soil, thus removing the discrimination on the basis of the sex of the parent in the old law. This law applies retroactively, so 2,500 children who lost their citizenship under the 1972 law have had their rights restored.

142. In 1992 there was a further change in the law to assist children who may have difficulties in proving their citizenship. Late applications may be made for birth certificates, provided two witnesses can be found to attest that the child was in fact born on Thai soil. However, although there is legal aid available through the Office of the Attorney-General in each province to assist in such an application, this provision is as yet not widely known and has rarely been used.

# Article 10: Education

*State Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:*
*(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas: this equality shall be ensured in pre-school, general, technical , professional and higher technical education as well as in all types of vocational training;*
*(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;*
*(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and shool programs and the adaption of teaching methods;*
*(d) The same opportunities to benefit from scholarships and other study grants;*
*(e) The same opportunities for access to programs of continuing education, including adult and functional literacy programs, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;*
*(f) The reducing in female student drop-out rates and the organisation of programs for girls and women who have left school prematurely;*
*(g) The same opportunities to participate actively in sports and physical education;*
*(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.*

143. Education in Thailand is currently undergoing considerable changes, as the system seeks to meet the needs of a rapidly-changing economy and the demand for an increasingly educated and skilled workforce. The Eighth National Development Plan recognises considerable deficiencies in Thailand's education system. The Plan notes the existing system is highly centralised and focused on formal education, while teachers focus on one-way communication of facts which must be learned, rather than providing guidance for thinking and learning. While non-formal education is available, opportunities to access it in rural areas are limited to the better-off, and it is anyway often irrelevant to rural needs and skills essential for community development. Reform to tackle both of these problems, and others, is underway.

144. A major change being introduced from the start of the 1996 school year is the increase in the level of compulsory education from six to nine years. In line with this the exam to enter secondary school has been abolished, as have been the exams to enter the three years of senior high school, as part of the plan to eventually make 12 years of schooling compulsory.

145. At the other end of the education system, there has been a rapid expansion in pre-school education over the past few years. There are now nearly 200,000 pupils in preschool centres established with Ministry of Education funding, compared to 20,000 students in 1993. The preschoolers attend 3,474 centres concentrated in the poorer north and north-eastern regions. No data is available on the relative number of boys and girls attending these centres, but it is believed to be approximately equal, and it is hoped this early start to education, combined also with nutritious school meals and often linked to further education for parents, will particularly assist disadvantaged students in their school and future years.

146. Thailand has succeeded in significantly reducing the national rate of illiteracy. It fell from 18.2 per cent in 1970 to 10.5 per cent in 1980 and 7 per cent in 1990. Female literacy (91.3 per cent) is lower than male (94.7) and the rate is higher in municipal areas (96.8) than non-municipal (92.8). Women constitute about 62 per cent of the country's illiterate population, but this figure reflects the historical situation among older women who were offered less access to education during their youth, rather than any current discrimination.

147. Data on the level of participation of boy and girls at all levels of schooling shows that the educational opportunities available to girls are approaching equality to those of boys. See Table 5 below:

**Table 5: Participation in Schooling of Boys and Girls**

| | Academic Year 1991 | | Academic Year 1993 | |
|---|---|---|---|---|
| Educational Level | Women % | Men % | Women % | Men % |
| Pre-elementary | 48.7 | 51.3 | 49.08 | 50.92 |
| Elementary | 48.98 | 51.86 | 48.95 | 51.05 |
| Lower Secondary | 48.14 | 51.86 | 48.95 | 51.05 |
| Upper Secondary | 48.99 | 51.01 | 49.4 | 50.6 |

148. However the overall level of education still remains low, as indicated by the 1992 figures on opportunity rates. Only 49.96 per cent of girls and 51.22 per cent of boys eligible entered lower secondary. For upper secondary the levels were 27.06 for girls and 26.88 for boys. Thus about half of the appropriate age groups in 1992 still did not go beyond primary schooling, and a further quarter were not able to progress beyond lower secondary. More recent gender-segregated statistics are not yet available, although it is known that for the year 199. there were 3,739,876 secondary pupils, still approximately 50 per cent of the total number of the relevant age group.

149. In preparation for the increase in compulsory education to nine years, the Ministry of Education has made more than 2.4 million secondary places available in 1995, but with students enrolling for the first time under this rule as this report is being prepared, the degree of success in ensuring all students have the opportunity to study at this level is not yet clear. The overall figures do however indicate there is little remaining discrimination against girls in access to this level of education.

150. As part of its efforts to increase the general level of schooling, Thailand has been encouraging the establishment of private educational institutions, particularly colleges and universities. These may broaden the opportunities for all students, and the government is aiming to ensure that these offer a high quality of education appropriate to Thailand's needs.

151. Woman are also broadly enjoying equality with men in access to tertiary study. As the Table 6 shows, they are graduating from universities at approximately equal rates to men. In 1993 of more than 4000 students studying abroad, generally for higher degrees, approximately half are female, although of those being supported by government scholarships, only 42 per cent were women. As outlined under section (c) below, however, there are considerable differences in the study areas chosen by women and men.

| Table 6: Graduates from Public Universities (1993) | | | |
|---|---|---|---|
| Degree | Women | Men | Total |
| Bachelor Degree | 28,755 (53.85%) | 24,642 (46.14%) | 53,397 |
| Grad. Diploma | 409 (43.28%) | 536 (56.72%) | 945 |
| Master Degree | 3,238 (46.84%) | 3,674 (53.15%) | 6,912 |
| Doctoral Degree | 46 (44.23%) | 58 (55.75%) | 104 |
| Total | 32,448 (52.58%) | 28,910 (47.12%) | 61,358 |

## An Issue of Special Concern:

## Women's Studies

152. Over the reporting period, the NCWA has directed significant resources into the development of women's studies in tertiary institutions in Thailand. At least six universities now have women's studies centres or programs, and these both encourage research and offer undergraduate courses and postgraduate supervision, although specific women's studies course remain elective, rather than compulsory subjects.

153. The primary focus has however been on ensuring gender concerns are integrated into all areas of study, with the aim of ensuring the maximum possible number of students have been exposed to at least an introduction to gender issues as they impact on their areas of study. To consider some examples, at Srinakharinwirot University at Songkhla 25 courses have integrated some aspects of women's studies into their programs, at Chulalongkhorn University in Bangkok 20 courses consider gender issues and at the northern Chiang Mai University 12 courses contain relevant elements.

154. The NCWA has also been working to ensure students are able to take up women's studies courses abroad through government scholarships. It has lobbied the Civil Service Commission to ensure both civil servants in appropriate fields and academics and future academics are able to access such courses.

155. Over the reporting period there has also been an increased focus on encouraging and assisting these institutions to work together and share expertise, information and resources. Considerable funding has been received from external sources to assist this process and the NCWA is working to further development and expand the network of cooperation, focusing particularly on the possibilities offered by computer technology.

## (a) Career and Vocational Guidance

156. Specialist career and vocational guidance is primarily offered in secondary schools, and offers assistance to students in choosing a work or study path. However, at a seminar held to assist in the preparation of this report, professionals working in this field agreed that the primary influence on students' choice of study subject or work was their family. Particularly in the urban middle class, this might start from early school years, with parents placing their children in schools well-known for producing professionals in a particular field. Families are generally a conservative influence, tending to direct boys and girls towards traditional gender-stereotyped work or study areas.

157. The seminar revealed, however, that guidance counsellors, who are often senior teachers, also tend to hold stereotyped views on appropriate areas of study or work, and on the capabilities of their male and female students in meeting the demands of non-traditional work. The counsellors tend to see some areas of work,

such as those which might demand considerable travel, high levels of physical travel or night work, as unsuitable for female students. There are currently no specific programs to offer gender-sensitivity training to these counsellors, although as noted under (c) below, there are programs to encourage female students to enter non-traditional areas.

## (b) Access

158. Broadly speaking, in Thailand women and girls have equal formal access to the same conditions and curricula as boys and men. The majority of schooling in Thailand is co-educational, and the few single-sex government schools in Bangkok are approximately evenly matched in terms of numbers of male and female students.

159. There are however still several areas to which women are denied access. These are the military and police-linked schools and academies, and the Buddhist universities, which serve only male monks. (These will receive 93,400,600 baht in government funding in 1996.) It is hoped that eventually as women gain increasing acceptance in the armed forces and police the former will be opened to female students, but interpretation of religious teachings provide major obstacles which prevent access to the Buddhist institutions. (See Article 13.)

## (c) Stereotypes

160. Recent studies by the NCWA and NGOs have focused on the degree to which stereotypes about the role of male and female both in education and in general society permeate all levels of the Thai education system. At the primary level, a major NCWA study found very significant stereotyping in the standard textbooks, used in virtually all schools. The study found that overall in the textbooks male characters appeared twice as female characters and that the message presented by these texts was that men and women have different and unequal roles, and that men's status is superior to women's. The books present men as the leader or administrators in the community, and as family breadwinners. Women are generally presented as housewives, cooks and child carers, and as supplementary income earners in poorer families.

161. As the Department of Curriculum and Instruction Development is now reviewing these texts, the NCWA is working to improve this situation. It hopes to work with text preparation teams, including writers and illustrators, and expert advisers, to increase their sensitivity to gender issues and has recommended the establishment of an on-going supervisory system to oversee the production of all future new texts.

162. No information is available on choice of subject in secondary schools, but considerable gender stereotyping is evident in all forms of tertiary study, as shown in Tables 7 and 8 below. (It should be noted that in Thailand courses such as commerce, accounting and business administration have traditionally been female-dominated.) Another example of this gender stereotyping is seen in teacher training colleges, where nationwide approximately 60 per cent of the students are female, reflecting the fact that 1993 figures indicated that 73 per cent of teachers at all levels of schools nationwide were women.

163. In most cases female, and male, students' choice of course that have been traditionally studied by their gender is due to the stereotyped views of students and parents as to what are appropriate study areas for boys and girls. (See also the discussion under Article 5.)

| Table 7: Fields of Study at Public and Private Universities(1991) | | |
|---|---|---|
| Field of Study | Women | Men |
| Humanities. Religion | 5,807 | 4,417 |
| Law | 1,332 | 4,823 |
| Social Science | 23,047 | 11,764 |
| Natural Science | 1,670 | 1,570 |
| Engineer-ing | 368 | 6,991 |
| Agriculture Forestry and Fishery | 1,068 | 1,880 |

| Table 8: Graduates From Public Universities in Selected Social Science Fields (1991) | | |
|---|---|---|
| Field | Women | Men |
| Psychology | 158 (79%) | 42 (21%) |
| Economics | 1,041 (57%) | 791 (43%) |
| Business Administration | 9,041 (70%) | 3,939 (30%) |
| Political Science | 1,634 (42%) | 2,223 (58%) |
| Home Economics | 518 (98%) | 120 (2%) |

164. In a limited number of cases, including veterinary science, fisheries and biotechnology, the gender disparity is due to formal quotas applied to restrict the number of female students entering particular courses. In the Faculties of Veterinary Science at the three Thai universities offering the course from 1990 to 1994 the level of female students was restricted to approximately 15 per cent of the total. To achieve this, males with lower entrance scores were admitted to the faculties, while better-scoring females were barred. For example in 1994 the lowest score for a female student was 276, as opposed to 237 for male students. In 1995 the situation was improved slightly, with 20 per cent of students admitted being female, but this remains a situation of overt discrimination.

165. In other subject areas, which are difficult to clearly identify, it is believed that informal quota systems or prejudice are acting as a barrier to women's entry. In cases where interviews are part of the selection process this may serve to limit the number of women, or may lead to them being subjected to a double standard of questioning compared to their male peers. As such practices are not generally disclosed, it is difficult to act against them.

166. Wherever possible, however, the NCWA has been campaigning to have such quotas removed, or at least to have them replaced with a quota allowing for at least 50 per cent of female students, but has encountered resistance from those controlling entry, who have argued they reflect the availability of jobs to students on graduation. It has also been argued that for example, the number of male medical students must be maintained as female doctors refuse to work in rural areas. It is believed that the number of study areas to which quotas have been applied has been reduced, however, and it is hoped that in some cases it may be possible to remove restrictions by gradually increasing female quotas.

167. In formal vocational and technical education a gender gap similar to that in universities is seen, as shown by Table 9 below. Training courses at a variety of levels are also offered by major ministries in areas such as health and agriculture. In 1992 less than 10 per cent of trainees under the Ministry of Agriculture and Cooperatives programs were women, a reflection of the fact that the Ministry only recognised women as farmers in 1990, when these programs were opened to them. In the same year in Interior Ministry programs only 2 per cent of the trainees in administrative/excutive courses and 9 per cent of students in specialised/supervisory courses were female. In contrast women were two-thirds of all trainees in Ministry of Health programs.

| Table 9: Enrolment in Formal Vocational and Technical Education Programs (1992) | | |
|---|---|---|
| Program | Women | Men |
| Industrial Mechanics | 4,013 (3%) | 141,561 (97%) |
| Arts and Crafts | 3,751 (46%) | 4,342 (54%) |
| Home Economics | 15,097 (97%) | 409 (3%) |
| Commerce | 71,229 (90%) | 8,258 (10%) |
| Agriculture | 2,079 (20%) | 8,157 (80%) |

168. The degree of gender-segregation in subject choices is a matter of considerable concern to Thailand, as female students choices tend to direct them towards supportive and administrative careers, and may forever close to them pathways leading to leading roles in Thai society. However, while there is little gender-specific data from previous years, it does seem that the ratio of women in most traditionally-male courses is increasing, even if from a very low base. But a great deal remains to be done in educating parents, teachers and students to ensure that female students do genuinely have the opportunity to study any course they wish, and to see that they have been made aware of the range of possibilities open to them.

## (d) Continuing Education

169. Continuing education, in the form of courses offered by the Department of Non-Formal Education, is very important in improving the overall educational level of the Thai community, and is particularly important to women who may have been denied opportunities for education in the past because of their gender. Despite the fact that women are more likely to be illiterate than men, they are however slightly under-represented in the functional literacy courses offered by the Department, being only 46 per cent of students enrolled in these courses in 1992. However, as the following figures on graduation from non-formal courses indicate, women achieve broadly equal access to continuing education. The fact that only 40 per cent of students in classroom courses were women does, however, indicate that it may be more difficult for them to meet attendance requirements for these types of courses in view of other, particularly family, responsibilities.

| Table 10: Graduates From Department of Non-Formal Education Programs (1992) | | | |
|---|---|---|---|
| Educational Activity | Total Number | Women | Men |
| Total | 488,955 | 57.95 | 42.05 |
| **Functional Literacy** | 30,678 | 50.85 | 49.15 |
| **Adult Continuing Education** | 133,012 | 50.39 | 49.61 |
| Classroom | 14,532 | 39.76 | 60.24 |
| Distance Education | 88,225 | 50.42 | 49.58 |
| Self-Instructional | 30,255 | 55.43 | 44.57 |
| **Vocational Adult Education** | 324,815 | 61.72 | 38.28 |
| Interest Groups | 152,568 | 62.63 | 37.37 |
| Vocational Courses | 172,247 | 60.94 | 39.08 |
| Vocational Certificate | 450 | 56.67 | 43.33 |

## (e) Female Drop-out Rates

170. As noted in the general information above, although the general rate of drop-out beyond compulsory education is very high, the rate is approximately equal for boys and girls. As discussed under Article 6, there has however been considerable concern about the fate of girls leaving school after primary level, particularly in the north of Thailand, and a large number of government and private scholarships are offered in an attempt to allow girls considered "at risk", to continue their education. This means that among some disadvantaged groups girls may be more likely to be offered opportunities to continue study than are boys from the same group.

## (f) Sport and Physical Education

171. Physical education in schools is compulsory for both boys and girls, but as discussed in under Article 13, girls and women tend to participate less frequently in non-compulsory activities. This is reflected in the fact that only 25 per cent of the students in physical education colleges are female.

## (g) Information on Family Planning

172. Family planning programs are discussed under Article 11. It is noted here that sex education is offered in secondary schools. Its effectiveness in addressing issues of emotions and relationships has been questioned recently, although it is believed to be reasonably effective in providing biological information. As approximately 50 per cent students do not progress beyond primary school however, they do not receive any such education, and a 1988 study showed that approximately three quarters of young people received no information from their parents about these issues. Lack of basic information in this area has been identified as a problem, particularly by researchers considering the problem of HIV/AIDS.

# Article 11: Employment

*1. State Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular;*
*(a) The right to work as an inalienable right of all human beings;*
*(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;*
*(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;*
*(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;*
*(e) the right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;*
*(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.*
*2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, State Parties shall take appropriate measures :*
*(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of maternity or of maternity leave and discrimination in dismissals on the basis of marital status;*
*(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;*
*(c) To encourage the provision of the necessary supporting social services to enable parents to combine family responsibilities with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of childcare facilities;*
*(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.*
*3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technical knowledge and shall be revised, repealed or extended as necessary.*

173. As already noted, Thailand has withdrawn its initial reservation over section (b) of this Article. However, many of the issues of discrimination in employment identified in Thailand's Initial Report continue to be of concern and *de facto* barriers, combined with some overt discrimination, continue to restrict Thai women's access to employment opportunities and advancement.

174. Figures from the 1990 census indicate that women were 47 per cent of the total labour force, about 52 per cent of all Thai women (compared to 49 per cent in 1984). In comparison the male labour force was about 60 per cent of the total male population. Despite the gender disparity, these statistics show that Thai women are a very significant part of the workforce, which is both a reflection of historical roles which saw women as important contributors to family income, and a result of the demands of the modern labour market.

175. The latter fact can be demonstrated by reference to the labour force in Thailand's five leading export sectors; electrical machinery and parts, textiles and ready-

made garments, chilled, frozen and canned food, precious stones and jewelry and footwear. In each of these industries more than 75 per cent of the employees are female, a figure that rises to close to 90 per cent in the food sector. They are also very important workers in the tourism industry. Female workers have thus been essential contributors to Thailand's rapid economic growth discussed in Part 1 of this report.

176. Women's rate of participation in the workforce is lower than men's at most age groups, but there is a significant exception among urban women aged from 13-24. The demand for female domestic helpers, factory workers and in service industries (particularly restaurants) has created many opportunities for young women to begin work, often at a younger age than males. This means, however, that these women may be drawn away from educational opportunities, which may limit their future employment options.

177. Overall, women tend to be concentrated in lower status and more lowly-paid positions. The August 1993 Labour Force survey found that women were only 19 per cent of employers, 28 per cent of self-employed workers and 38 per cent of government employees. They did however constitute 66 per cent of unpaid family workers. The same survey showed that the average wage for a male manufacturing worker was 6,138 baht/month, compared to 4,298 baht for his female counterpart (70 per cent of the male total). In services wage disparities were even greater, with average male municipal wage of 5,687 compared to the female average of 3,502 (62 per cent). In non-municipal areas the average wage for a male agricultural worker was 2,153, compared to 1,735 for female workers. (81 per cent)

178. As would be expected, these disparities are also reflected when gender statistics on the lowest and highest paid workers are examined. The 1993 Labour Force survey showed that in municipal areas 331,400 men earned less than 2,000 baht/month, while 557,300 women were in this position. In contrast, in non-municipal areas only 55,400 women earned more than 20,000 baht/month, compared to 149,200 men. Among lowly-paid non-municipal workers the differential was not so marked, with 1,385,000 women and 1,360,000 men earning less than 2,000 baht, but the gender difference was again obvious among highly-paid workers, with 34,700 non-municipal men earning more than 20,000 baht, compared to 18,900 women.

179. In part the predominance of women among lower-paid workers reflects the historical inequalities in access to education, but also their higher level of involvement in the informal sectors of the economy. Many sectors of the economy, particularly among the less technically sophisticated export industries and in service industries, rely on informal labour arrangements, with workers being hired by the day, or being homeworkers (an issue discussed below). Within these arrangements it is relatively easy for employers to evade minimum pay regulations and to ensure workers are not eligible for holiday pay or maternity leave

180. Self-employed workers and family workers within micro-enterprises, which often have no legal status, also generally have low incomes, and women are again disproportionately represented among them. A study of over 400 such enterprises in Bangkok found that two thirds were headed by women, and nearly half of these women were the main family income earner.

181. The lower numbers of women receiving high levels of remuneration is a reflection of the fact that women are much less likely than men to be promoted to the highest levels in a company. Statistics on employees of a major commercial bank for 1995 showed that there were 442 male executives, but only 190 women. There were 329 male branch managers and only

34 women in this position, but at the level of assistant manager there were 207 women to 149 men. In most cases, however, this situation is improving, with figures from this bank showing the number of female executives has risen from 22 per cent in 1991 to 30 per cent in 1995.

182. The significant under-representation of women at higher levels of remuneration and responsibility is seen in government, as well as the private sector. Table 11 shows the percentage of women at different levels of the civil service. The percentage of female government officers has been increasing steadily over the reporting period, as selection on merit was introduced and men were more likely to seek the higher salaries of the private sector.

**Table 11: Representation of Women in the Civil Service (1993)**

| Level | Percentage of Women |
|---|---|
| C1-6 | 56.9 |
| C7 | 33.1 |
| C8 | 22.4 |
| C9 | 19.2 |
| C10 | 8.2 |
| C11 | 3.4 |

## Issues of Special Concern:

### (i)Homeworkers

183. Concern about sub-contracting and homeworking have become significant in the period since Thailand's Initial Report. This type of employment has grown both because of a shortage of labour prepared to work in factory environments and its advantages to manufacturers, who can often avoid controls such as minimum wage rates, holidays etcetera by using this method, as well as having a workforce which is fragmented and easily controlled. It is also attractive to many women because of its flexibility, and the ability to continue it in conjunction with family responsibilities. Homeworking is particularly common in the production of ready-made garments, silk and cotton weaving, wood carving and furniture production. Raw or partially-finished materials are assigned to workers to be processed in their own home or nearby.

184. Most homeworkers are women, most commonly in the 31-40 age bracket in rural areas, with little or no education or training. They tend to work long hours in an attempt to make as much money as possible. Formal contracts between worker and supplier are rare, so there may be considerable difficulties in enforcing fair payment for work completed.

185. Studies launched by international agencies in 1988 brought the issue of homeworking to public attention and since then NGOs have played an active role in attempting to build grass-roots networks of homeworkers. These aim to assist the workers to receive maximum remuneration, to resist exploitation and be informed about health and safety concerns. Many also look towards developing cooperative or private businesses from the workers' skills.

186. The Department of Labour Protection and Welfare has also set up a committee to ensure issues of concern to homeworkers' receive government attention. Additionally, a Ministry of Labour taskforce is now considering ways of addressing the welfare concerns of homeworkers and sub-contractors, particularly safety and pay issues. However the fact that homeworkers often do not understand their rights and are poorly placed to take advantage of opportunities and services which may be available to them indicates the need for increased education and training for isolated workers.

### (ii) Older Female Workers

187. The problems older female workers may face within the industrial sector have been brought into focus during the reporting period, particularly for workers

in the textile industry. Increasing automation and a drive to increase productivity in the face of strong competition has led to the introduction of higher levels of technology. As a result of this many older women workers, mostly with only four or six years primary education, but often with 20 or more years experience in the industry, have been displaced. Sometimes changing technology has been used as an excuse, rather than a reason, for the lay-off of such workers, with employers preferring lower-paid younger workers, who they believe will be more productive.

188. Rather than being re-trained for the new technology, older women have often been replaced by younger workers, often males with secondary or technical training, in part because of assumptions by employers that males are more capable of operating complex machinery. These women, sometimes in poor health after decades of hard work in sub-standard conditions, are often in a poor position to obtain alternative appropriate and reasonably-paid work.

189. The difficulties of addressing such informal discrimination are obvious when it is considered that formal discrimination against older female workers both exists and is well-known. Female flight attendants on Thai Airways International are forced to retire at age 45, while male cabin crew can continue to work until the normal retiring age of 60.

## 1. Employment Issues

### (a) The Right to Work

190. As already noted there is no legal limitation on Thai women's right to work, and custom and practice in fact encourages women in Thailand to seek paid employment.

### (b) Employment Opportunities

191. As already noted, all formal barriers to women's employment and advancement within the civil service were removed when Thailand withdrew its reservation on this item. In the private sector there is however no law or regulation preventing employers from applying discriminatory criteria in selecting employees, and advertisements for positions frequent specify whether a male or female is desired. Due to the entrenched social attitudes which frequently consider jobs as "men's" or "women's," a great deal more education will be needed before any restriction on this practice would be practicable.

### (c) Choice, Conditions and Training

192. Within the restrictions discussed under Articles 5 and 10, and above, Thai women have a free choice of profession and employment. In terms of promotion it is social attitudes which form the primary barrier to women's advancement.

193. Limited access to training is one major factor in preventing women's promotion. Research has shown that in factories, for example, perceptions that men are more able to handle machinery and supervisory tasks may lead to them being offered opportunities denied to women, while social attitudes may lead to women not even applying for training courses or advancement opportunities. Examination of statistics on training programs for civil servants tend to show a similar bias, with men over-represented in courses which are likely to lead to promotion and decisionmaking positions.

194. Also important are the barriers created by domestic responsibilities, which restrict women's opportunities for advancement. Although there have been campaigns, particularly associated with the International Year of the Family, to encourage men to take more responsibility for housework and childcare, these are still generally regarded as female responsibilities. Thus a study among farm workers found that men spent 2,294 hours

per year working on agricultural production, compared to women's average of 1,644 hours. However once women's housework burden was added, their total working hours in a year were 3,894, while men did no extra household work.

## (d) Equal Remuneration

195. Under Thai law, female workers are protected by two provisions. One is the specification of a minimum wage, currently 120 baht/day (or 140 baht/day in Bangkok and surrounding areas) and the other is an equal pay statute that declares male and female workers should be paid equally. Despite the former, it is known that many men and women effectively work for less than the legal minimum wage, as enforcement is limited, and employers frequently evade the provision by sub-contracting, as discussed above. No case has ever been brought under the equal pay statute, and it appears at present practically unenforceable.

## (e) Social Security

196. This issue is discussed under Article 13.

## (f) Health and Safety

197. This is a major concern with regard to the human rights of female Thai workers, as discussed under Article 12.

## 2. Maternity

198. The legal and practical position of female workers with regard to maternity leave has improved very considerably during the reporting period. Legislation now provides for 90 days of paid maternity leave for all workers who have been employed continuously for more than 180 days. In the government sector these funds are provided by the employing agency. While private sector employers are obliged to provide 45 days pay, with the remaining money being provided from a social security fund.

199. It is acknowledged, however, that within the private sector, women may find it difficult to assert their right to these payments. Many employers either simply ignore their responsibilities while others operate employment systems (for example employment on a daily basis) that allow them to skirt the provisions of the law. Additionally, while the law does make dismissal on the basis of maternity illegal, there had never been a case brought against an employer for such a dismissal, and it is generally agreed that there is no practical protection for female workers who become pregnant, although the recent labour shortage being experienced in some industries has provided some *de facto* protection.

200. With regard to marital status, there is no legal provision to prevent employers from specifying that workers must be or must remain single. This may particularly create problems when such workers form families but do not register the marriage, leaving their own and their children's status uncertain.

# Article 12: Health

*1. State Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.*
*2. Notwithstanding the provisions of paragraph 1 in this article, State Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate pregnancy during pregnancy and lactation.*

## 1. Health Care

201. Medical services in Thailand are available to all on a non-discriminatory basis. Free health care is available in State hospitals to those who cannot afford to pay for treatment. Individuals earning less than 2,000 baht a month and couples less than 2,800 baht are eligible for a social welfare card that provides free treatment in government hospitals. Senior citizens (over 60 years of age) and children under 12 automatically receive free treatment. This covers doctor's fees, medication costs, in-patient accommodation, surgical fees and necessary medical equipment. However, it is acknowledged there is greater demand than supply for these services, public wards are often overcrowded, and patients may wait months or years for treatments such as joint replacements or organ transplants.

202. There are 15,572 male doctors and 5,535 female doctors registered to practice in Thailand (as of April 1996). This imbalance reflects women's historically lower access to higher education, and the continuing quota which restricts women to 50 per cent of entrants to medical degrees. Among specialists, the gender disparity is even more marked, with women representing only 26 per cent of the total of 21,854.

203. Nursing however remains an almost totally female profession, and women tend to dominate among other health professionals such as nutritionists. The relatively lower number of female doctors, particularly in rural and remote areas, is however acknowledged as presenting a problem, in that some women may chose not to see a male practitioner for some complaints, and may not have access to an alternative female doctor. This may be particularly important in assigning a high priority to screening for diseases such as cervical and breast cancer, for which there are as yet few programs in Thailand.

204. The relatively low numbers of female medical practitioners also makes it difficult for them to influence health policy and practices. It is believed that increasing their numbers would assist in reviewing medical methodology, particularly gynaecological practice, in which there have recently been concern about the rate of births by caesarian section, hysterectomy and other invasive procedures.

## Issues of Special Concern

### (a) HIV/AIDS

205. In Thailand's Initial Report HIV/AIDS was mentioned area of concern, and unfortunately since then it has grown to be a very significant health problem. Between September 1984 and March 1996 36,229 cases of AIDS have been recorded, of which 16 per cent were women. The ratio of women infected is expected to grow, since the Ministry of Public Health found about 67 per cent of AIDS and ARC patients from 1984-91 were infected through heterosexual intercourse, and it is believed that many women (and their unborn or future children) are being infected by their husbands, due in large

part to social practices discussed under Article 6.

206. There is no conclusive evidence on the total number of women and men infected with HIV, but some studies have shown a very high rate of infection, with percentages of pregnant women testing HIV-positive ranging from 6 to 10 in some northern provinces. Of the more than 700,000 people now believed to be infected with HIV in Thailand, at least several hundred thousand are women. It is predicted that by the year 2000 there will be approximately 2 million infected people in Thailand, the majority of them being in the 19-35 age group, with women forming close to half of this number.

207. The government, working with NGOs, has put considerable resources into dealing with the problem. The prevention strategy has focused on promoting a "100 per cent condom policy" among sexually-active adults, and is attempting to empower women to protect themselves, for example by carrying condoms, despite powerful social forces which make it difficult for women to discuss and address these issues. More recently there has been a considerable research effort aimed at finding a preventive or therapeutic vaccine for the disease.

208. Health care has been focused on attempting to empower communities and families to care for their own infected members, in view of the otherwise enormous strain the virus could place on the health care system. Significant problems of discrimination against HIV-positive people remain, but the government and NGOs have worked together to attempt to educate the population about the virus and the abilities and needs of infected individuals.

209. Thailand, in cooperation with international partners, has also been investing considerable resources in research into ways to treat the disease. With the problem of HIV-infected pregnant women of considerable concern, the Ministry of Public Health is researching appropriate use of AZT and other medicine to assist these women and, it is hoped, reduce the number of babies infected with the virus.

**(b) Occupational Health and Safety**

210. The occupation health of female workers in both the industrial and agricultural sectors has recently become an issue of considerable concern. Studies have shown both groups of workers face very considerable health risks from dangers in their workplace, and encounter considerable difficulty in claiming compensation from their employers. With, as noted under Article 11, women having been the dominant workers in Thailand's industrial growth over the reporting period, they have borne the bulk of the problems of occupational health and safety which have accompanied the economic development.

211. One study showed that 30 per cent of female workers in textile factories (where dust, ventilation, working position and conditions are among the major health issues had suffered a significant illness, while 36 per cent of female workers in large electronics firms had abnormally high lead levels. They had also been exposed to many other potentially toxic chemicals. A large study in 1989 found that of the 917,161 female workers examined, more than 70 per cent were working in conditions which did not meet labour standards and regulations relating to work practices and maternity leave.

212. A further issue is workplace standards, brought horrifically into the spotlight by a factory fire during the reporting period, which resulted in a large loss of life among the predominately female workers who had been locked into the building. Fire and other safety issues remain a problem.

213. The NCWA and NGOs are pushing for improved enforcement of workplace

standards. There are however only limited numbers of inspectors (about 500 to cover approximately 200,00 enterprises) and resources to tackle the problem. The relatively low level of education of most industrial workers presents a further difficulty for education programs, as workers may lack the basic knowledge to understand, for example, the risks presented by a chemical to which they may be exposed. Occupational health and safety for female workers thus remains a human rights issue of serious concern.

214. Government efforts to improve the situation have focused on a "Big Sister" approach. Union leaders, health and safety officers (who by law must be appointed in every company with more than 100 employees) or natural leaders from among the workers have been trained by the Labour Welfare Division to pass their knowledge about health and safety issues on to other workers.

215. Very recently plans have begun to bring together the many organisations and groups working in areas impacting on occupation health and safety, to form a new structure to coordinate efforts in these areas. This may be useful in ensuring effective and well-directed education and preventive programs, but planning is at an early stage.

216. A related issue is the payment of the compensation by employers for workers who suffer injury or ill-health as a result of their work, as provided for under Thai law. The disparity in resources between employees and employers, the often difficult medical issues involved, and the time and cost of legal proceedings has made it difficult for women to insist on their rights in this area.

217. Female agricultural workers are similarly at risk. With increased migration of male farm workers to urban areas for employment, they are increasingly handling pesticides and herbicides, often without adequate information on how to protect themselves. One study showed that over 50 per cent of farm women had suffered illnesses as a result. The NCWA and NGOs have been conducting training sessions to inform women about the dangers of these chemicals and the correct methods for their use, but as this is such a widespread problem more remains to be done.

**(c) Abortion**

218. Under Thai law abortion is only allowed if the pregnancy endangers the mother's life or if it is the result of rape or forced prostitution. In 1983 a proposed amendment to allow abortion when the baby was believed to suffer from serious disease or disability, or when the mother's psychological health was in danger, was passed by the House of Representatives by 70 votes to 2. But after a campaign based on religious grounds the Senate voted against the proposal and it lapsed. There are ongoing moves to change the law, particularly to allow for abortion in cases where there is a risk of the foetus suffering from disease or disability, particularly if it may be infected with HIV.

219. However in light of the rate of HIV infection in Thailand, and on humanitarian grounds, medically-supervised abortions are already available in cases where there is evidence of fetal abnormalities or where the mother's well-being is at risk, at least in urban areas. Non-medically supervised abortions remain a health risk for Thai women, particularly in rural and isolated areas. However the rate of maternal death from abortion per 1000 live births has fallen from 206 per 1000 live births in 1989 to 120 in 1993.

**(d) Mental Health**

220. Mental health problems, generally believed to be a result of rapid economic and social change, are causing increasing concern. In 1995 there were 6,399 in-patients in government hospitals and according to officials about 40 per cent of

these people are abandoned by their families and cannot leave hospital as a result. It is not known what percentage of these patients are women. Similarly, the relative degree to which men and women suffer from mental health problems in Thailand is not known, but overall this is an important health issue and there are plans to increase the level of government services in this area.

221. Examination of statistics gives some indication of the problem and its relationship to social changes. In 1995 4,118 people called the Mental Health Department's Hotline. Of these, 34.7 per cent were directly concerned about mental health problems, while 28.5 indicated their main problem related to family life. Callers to the NGO Hotline Center also reported family problems as one of their major concerns. Its records over a ten year period show that women are approximately twice as likely as men to call this service, with the majority being in the 10-35 age group.

222. Believed to be related to the increase in mental health problems is a rise in the number of suicides. The number reported to the Police Department rose from 1,029 in 1990 to 1,451 in 1994. On average over this period about 25 per cent of the reported suicides were by women, although the ratio of men to women has been slowly but steadily increasing from 1:2.4 in 1990 to 1:3.1 in 1994. Department of Health figures show that from October 1993 to September 1994 1,909 people committed suicide, a rate of 48.67/100,000 people.

## 2. Maternal and Family Planning Services

223. Thailand is able to report a continuing improvement in measures of maternal and infant health over the reporting period. The infant mortality rate fell from 40.7 per 1,000 livebirths in 1985-6 to 38.8 in 1989 and 26.5 in 1995. The maternal death rate has dropped to a very low level, from 0.4 in 1985 to 0.1 in 1992. The percentage of pregnant women suffering anaemia fell from 28.5 per cent in 1987 to 15.5 per cent in 1993. The fall in such figures are the result of increased government services, particularly those which reach into remote and isolated areas, better nutrition and economic circumstances of mothers and an increase in their level of education and knowledge of health issues.

224. In 1991 the rate of immunisation of school children (with DTP, BCG and Polio vaccines) reached 98.42 per cent, while the figure including pre-school children exceeded 90 per cent. The rate of anaemia in children aged from six to 14 fell from 28.5 per cent in 1987 to 15.5 per cent in 1993.

225. Thailand's relatively low birth rate already mentioned reflects a high level of family planning services, with the level of acceptors of such services at 74 per cent. Both in public perception and the general direction of services, however, family planning remains the responsibility of women. From 1989 to 1991, of the total number of people sterilised (about 140,000 each year), over 90 per cent were female. The other primary methods of birth control are the Pill (approximately 26 per cent of contraceptive users in 1993), injections (18 per cent) and IUDs (10 per cent). The promotion of condoms for HIV prevention may have had some limited effects in shifting responsibility for contraception to male partners, but there is as yet no data to confirm this supposition.

226. There have been attempts to promote more acceptance of male responsibility for contraception, but these have met with limited success. Vasectomies are available in government hospitals and the Population and Community Development Association offers free vasectomies on special occasions, such as in 1995 on the celebration of the king's birthday. On some such days 1,000 men have received vasectomies, but the more difficult and expensive female sterilisation procedure is still chosen by most couples.

# Article 13: Economic and Social Life

***State Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:***
***(a) The right to family benefits;***
***(b) The right to bank loans, mortgages and other forms of financial credit;***
***(c) the right to participate in recreational activities, sports and all aspects of cultural life.***

## (a) Family Benefits

227. Thailand has moved towards improved provision of social security since its Initial Report, with a contributory scheme established in 1990. This fund provides limited sick pay, long-term disability payments, and funds for families affected by work related deaths. It is planned that in the future unemployment and retirement benefits will also be provided, but at present, most citizens still depend on family support in such circumstances, and the family overall remains the most important foundation of individual's social security.

228. Over the reporting period there has been increasing realisation of the pressures that are likely to be put on this informal system by the aging of the population. In 1970 only 4.9 per cent of the population was aged 60 and over. This had risen to 7.3 per cent in 1990 and is projected to be 11.2 per cent in 2015. In terms of actual numbers there were 4 million people 60 and over in 1990, and this figure is expected to reach 8.4 million in 2015. By that time there will be 17 aged dependent on every 100 people between 15 and 59. This obviously raises questions about the ability of the family to care for aged members, and is an issue of particular concern to women due to their considerably greater average lifespan.

229. Government employees are entitled to payments to assist in the education of their children. In 1993 the Women Lawyers' Association drew attention to an anomaly in these regulations which allowed separated and divorced men to claim for their children's expenses, even if the money had been paid by their mother. Consequently in 1995 the regulation was changed to ensure that only officers who were actually caring for the children, and covering their expenses, could claim the funds.

## (b) Credit

230. There is no discrimination against women in Thailand in access to bank loans, mortgages and other forms of financial credit. Traditionally women were responsible for holding and managing family funds, so commercial lenders indicate there may be a slight bias towards women borrowers, due to a general belief that women are more responsible and capable in handing money. Women with family responsibilities, particularly those who are divorced or widowed, may however have difficulties in convincing lenders of their ability to meet both financial and family responsibilities.

231. Under Thai law both men and women must have their spouse sign any loan agreement and both parties are then responsible for the debt, unless later divorced. There have been no indication that this creates any particular problems for women.

232. The chief impediment which may prevent both women and men accessing formal sources of credit continues to be poverty, as the minimum loan likely to be considered by commercial institutions is approximately 50,000 baht, and there are only very limited sources such as revolving funds and village credit unions available for smaller loans. Informal credit sources which generally charge interest of between 10 and 20 per cent per month continue to be very important for many Thai women and men.

233. A number of NGOs operate revolving fund schemes offering alternative sources of funds, usually linked to development and training projects, as do some government departments, most notably the Ministry of Agriculture and Cooperatives. Under its scheme women or youth's cooperatives are offered funds of up to 150,000 baht for up to one year, at interest rates of 2 to 6 per cent. This scheme, supported by a foreign aid agency, has provided assistance to groups in disadvantaged areas in projects such as industrial sewing, weaving and fertiliser production. It is acknowledged however that these schemes are available to only very limited numbers of Thai women.

## (c) Recreational and Cultural Life

### (i) Cultural Life

234. With rapid economic and social change, the very definition of Thai culture has been re-examined, with the issue being particularly brought into focus with the declaration of 1994 as Thai Culture Year. Consideration of the position of women within Thai society did not form part of the activities of this year, which focused on non-controversial themes.

235. In the early 1980s the National Identity Office defined Thai culture as a blend of "the classical court culture, which includes Buddhist art" and "popular culture ... concerned with age-old village realities associated with birth, death and the cultivation of crops".

236. The effect of the blending of these elements on the depiction of women within Thai culture was mixed. In some traditional folk performances, for example, the dominant form was a dialogue between men and women, and each side was equally important. Within Thai classical music, based chiefly on the court tradition, however, women tended to be seen as "decoration", rather than serious musical contributors and were restricted by stereotypes to instruments regarded as requiring less skill, experience and strength.

237. Overall it can be said that the "traditional" culture tended to promote stereotypes about women's behaviour and roles in society, and largely restricted women's involvement in the production of culture to traditionally "female" areas. This was generally achieved by social values and pressures rather than direct discrimination.

238. The stereotyping and segregation is illustrated by the numbers of male and female National Artists (drawn from traditional disciplines), with 95 men having been granted this status since its instigation in 1985, as compared to 24 women. The majority of women were awarded for their contribution to music or dance. Two received awards for cloth art and two were writers. The male recipients in contrast were drawn from a far wider range of the arts, from painting, sculpture and photography to movie directing and architecture.

239. However, over the reporting period Thai mass culture (including art, music, writing and film) has undergone significant changes. It is now far more influenced by urban elements and international mass culture. This has led to a tackling of issues raised by social change, including the role of women, which has been the focus of popular songs, television serials and a few

movies. Thus as consumers of culture, urban Thai women have seen an increasing choice developped over the reporting period, and an increase in the degree to which Thai culture accepts and presents different roles for women.

240. In terms of opportunities to create this culture, a shortage of funds is likely to still be the primary factor which prevents an individual from participating actively in the national cultural life, rather than gender, and stereotypes may actively hamper some men from cultural careers, as these are not seen as "serious" and well-paid choices. However, female performers still operate within greater constraints than their male counterparts, as the success of modern performers and other cultural workers is very much dependent on the promotion they receive from commercial companies, and for this they are usually expected to dress and produce works in certain ways, to be attractive and "sexy," but not confronting. Within a restricted number of disciplines the development of the university system has led to increased opportunities for artists to work within that environment, and it has become home to a significant number of women who explicitly challenge traditional stereotypes in their work.

241. Thus overall it can be said that over the reporting period women's opportunities to participate in cultural activities have increased, as has the degree to which Thai culture has reflected the realities and concerns of women.

242. No broad information is available on the level of consumption of culture by men and women, and it is difficult to determine if there is any significant difference between them. The only relevant study available was done in 1988 on users of village reading centres. It found men made of 64 per cent of centre users, although this predominance was found mostly among users over 41, with women more equally represented among young visitors (mostly students in both formal and non-formal programs).

**(ii) Religious Affairs**

243. The Thai constitution provides for complete freedom of religion. Under the constitution the monarch is the protector of all religions, although the ruler must be Buddhist.

244. Approximately 95 per cent of the Thai population is Buddhist, but the role of women within Buddhism in Thailand is circumscribed by religious tradition. There are about 16,000 nuns (*mae chee*) in Thailand, according to a 1994 survey carried out by the Religious Affairs Department (as compared to 278,960 monks), although only about one -third of this number are registered with the Thai Nun's Institute.

245. Nuns have no special secular or religious status and the Department of Religious Affairs has no responsibility for them. Only monks are entitled to free use of public transport, tax exemption and access to Buddhist universities (for which the government will provide funding of 93,400,600 baht in 1996), but nuns, like monks, do not have the right to vote (due to their classification as religious figures by the Local Administration Department). Male government workers, soldiers and employees of some large companies are entitled to a three-month leave period with full pay to be ordained as a monk, but there is no similar entitlement for women.

246. This situation has arisen due to the fact that ancient Buddhist order of female monks, the *Bhikkhuni*, was never brought to Thailand, and the original line of ordination within Theravada Buddhism died out. Current religious doctrine prevents its rebirth, although there has recently been some debate as to ways in which this could be brought about. In the immediate future the secular realm appears to be a more promising area for improvement, with proposals for a Thai Buddhist Nuns Act to promote the role of religious women. Such an act might

address the legal inequalities detailed above.

247. Little is known about the development of the institution of the *mae chee*, although it is believed it has existed for more than 400 years. Over most of that time nuns have been chiefly perceived as servants of monks, cooking, cleaning and completing other chores around the temple. Nuns were generally drawn from poorer sections of society, with little education and low social status. A study in the late 1980s found that more than 85 per cent had only completed the (then) four years of compulsory education, and most were drawn from rural areas.

248. Over the reporting period there has been some improvement in this situation. A number of high profile, highly-educated women have become nuns and been active in pressing for improvements in their position. Several institutions for nuns only have been established and are active in offering education to nuns and disadvantaged women, generally directed to equipping them to work in education or development, or as religious teachers.

249. Muslims are Thailand's main religious minority, consisting of about 3 per cent of the population. They are concentrated in the far south of Thailand and about 99 per cent are Sunnis. Muslim government employees are allowed leave for important Muslim festivals and allowed to work half-days on Fridays, the Muslim holy day. Both male and female Muslims employed by the government are entitled to one four-month paid leave to make the *Hajj*, the pilgrimage to Mecca.

250.Women within the Muslim community appear to face significant barriers in exercising some of their human rights, particularly in acting as leaders in public and political life, due to the interpretations applied to Islamic doctrine and social attitudes associated with the religion. But these barriers are not insurmountable, as demonstrated by the election of two women as village heads in the Muslim-dominated province of Pattani.

**(iii) Sport**

251. Only one major study has been carried out into the participation of Thai women in sporting activities. Conducted by the National Statistical Office in Bangkok in 1987, it found that a greater percentage of men than women participated in sport in all age groups, except the 15-19 year sample, where slightly more women than men participated (48.57 per cent to 46.16 per cent). Overall, only a very small percentage of adults participated in sport, with only 12 per cent of men between 20 and 60 playing sport, and 6.3 per cent of the women. In total 27.06 per cent of the men and boys surveyed participated in sport, compared to 15.56 per cent of the women and girls. A survey in provincial areas would probably find an even lower level of participation, due to a shortage of facilities and lower income levels.

252. Sport is a compulsory part of the primary and secondary school curriculum and girls and boys participate more or less equally in football (soccer), basketball, volleyball and other sports, but it appears that social pressures and limited opportunities lead to women abandoning sporting pursuits in their 20s, while more men maintain their participation.

253. In general, it appears that more sporting opportunities are open to men, while family and household responsibilities leave many women without the leisure time to participate in sport. Cultural norms also encourage men to participate in sport, although for a large percentage of the Thai population, both male and female, financial constraints, which are likely to result in a shortage of leisure time and a lack of access to facilities, restrict or prevent their participation.

254. Over the reporting period there has however been an increase in opportunities for elite sportspeople to use sport to gain entry to universities, the armed forces, the

police and some other institutions, which then support their training and competition costs. These opportunities appear to be approximately equally distributed between men and women.

255. Although no statistics are available, it appears that sports administration, in both professional and amateur areas, is almost totally dominated by men.

256. Media coverage at the national level is almost totally focused on male-dominated sports such as football, kick-boxing (Muay Thai), boxing and snooker, although female competitors attract media attention during international events such as the South East Asian Games.

## Article 14: Rural Women

*1. State Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetised sectors of the economy, and shall take all appropriate measures to ensure the application of the provision of the present Convention to women in rural areas.*
*2. State Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:*
*(a) To participate in the elaboration and implementation of development planning at all levels;*
*(b) To have access to adequate health care facilities, including information, counselling and services in family planning;*
*(c) To benefit directly from social security programs;*
*(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;*
*(e) To organise self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment and self-employment;*
*(f) To participate in all community activities;*
*(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;*
*(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.*

### 1. Application of the Convention

257. As already noted, approximately 69 per cent of the Thai population live in rural areas, reflecting the fact that about 60 per cent of employment continues to be in agriculture, despite the fact that its contribution to the GDP has fallen from 40 per cent in 1960 to around 15 per cent today. This simple statistic reflects the fact that incomes and living standards in rural areas have continued to decline relative to urban standards, despite efforts to promote rural development. As rural women make up well over half the national female

population, issues of concern to them have already been discussed under other relevant articles, particularly Articles 10, 11 and 12, but some further issues will be discussed here

258. As discussed elsewhere in this report, migration from rural to urban areas has been a driving force for social change, and often has produced particular problems in rural areas for the population which has remained. There has been considerable concern about what are known as *dao krajai* ("spreading star") families in which, for example, the husband goes overseas to work, the wife to the city and grandparents, or even great-grandparents care for the children in the rural village. This can leave villages which consist almost entirely of children and elderly people, with the most productive young and middle-aged workers absent, presenting obvious problems for sustaining agricultural production and village income. Those remaining in the village are usually heavily dependent on repatriated city income, and if this should fail, through illness or abandonment, families may face severe difficulties.

259. In terms of national collection of data, unpaid family labour in agriculture (most often performed by women) is recognised as an important productive factor in rural areas, and so far as possible is included in all calculation of statistics, as under the Committee's General Recommendation Number 16. These women are recognised as "working" women by the State, although community recognition tends to be limited. Work within the home ("housework") is however not yet recognised in statistical surveys, and there have been as yet no broad time-use surveys which might set out the importance of this unremunerated domestic production.

## 2(a) Health Care Facilities

260. Thailand's development has significantly increased the level of services in areas such as health, education and transport in rural areas, with the spread of family planning services to rural areas having been particularly effective, but disparities remain. In 1991 the ratio of hospital beds to population was 1:299 in Bangkok as opposed to 1:1,876 in the worst regional area. Similarly there are 964 people per physician and 4,626 per dentist in Bangkok, as opposed to 11,026 and 78,606 in the north east region. Improving services in rural and remote areas is however a government priority, with 2,000 million baht allocated in 1996 to upgrade 500 rural service units to health centres, which will join 9,010 similar centres which already operate at the tambon level. These offer primary health care and communication links are being developed for those in remote areas to enable staff to consult with colleagues in district hospitals.

## 2(b) Training and Education

261. Disparities in educational services between urban and rural areas are being reduced with more schools offering secondary education in line with the expansion of compulsory schooling. However, concerns about the quality of education is on an increase particularly in view of the general reluctance of teachers to work in rural and remote areas and the lack of educational tools and materials. The non-formal education system, already discussed under Article 10, is very important in allowing rural women (and men) access to education and training.

## 2(c) Self-help Groups and Cooperatives

262. Over the reporting period an important aspect of government efforts for women's development, particularly in rural areas, has been the establishment of women's organisations at all organisational levels, designed to run in parallel with general organisations. Thus it is expected each village will have a women's committee as well as a village council or committee.

263. At the village and sub-district level, more than 95 per cent of these areas had women's organisations, a figure that fell to 93 per cent for districts and 89 per cent for provinces. These are supervised by

the Community Development Department, but it is generally acknowledged that while some have been highly effective in promoting women's development and protection of women's human rights, many others are ineffective. Their success is heavily dependent on their leadership and the degree of acceptance they attain from the general population and community leaders.

264. Cooperatives, particularly those agricultural, fisheries, land settlements and savings cooperatives are important structures for many rural people. A study in 1993 showed that women tend to participate as members and committee members at a much lower rate than men, particularly in those particularly directed towards production. For example, in the 1,797 agricultural cooperatives only 22 per cent of members were women, and they made up only 3 per cent of executive committee members.

265. Women do tend however to play a larger role in savings cooperatives (of which there were 878 registered in 1993), being 38 per cent of members and 15 per cent of executive committee members. Not surprisingly they were a majority of the members of the 345 consumer cooperatives, although only 20 per cent of executive committee members. One regulatory obstacle which might prevent women's participation in cooperatives is that only one member of a household may join or be elected to a position in such an organisation. It is believed that societal expectations strongly direct that the individual should be a male household head.

266. Non-government organisations focusing on rural development are an important factor in supporting and developing many of these organisations, but it has been increasingly recognised over the reporting period that these are often insensitive to gender issues arising from their work. The NCWA, together with umbrella and national NGOs has in recent times sought to increase the awareness of gender issues within these organisations, but more work remains to be done.

267. As already noted in Part 1, over the reporting period living conditions, particularly relating to sanitation, electricity and water supply, have significantly improved. Although these services have now reached all but the most remote communities, the level of these services, and housing and communication and transport services, remain significantly lower in rural areas.

# Article 15: Equality Before the Law

*1. State Parties shall accord women equality with men before the law.*
*2. State Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.*
*3. State Parties agree that all contracts and other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be declared null and void.*
*4. State Parties shall accord men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.*

268. As already noted, Thailand has withdrawn its reservation initially lodged with regard to Section 3 of this article, and it can now be said that Thailand accords women complete equality with men before the law with regard to this Article.

## Violence Against Women

269. In line with the Commitee's General Recommendation No 12, in preparing this report Thailand has collected information about violence against women. This is an issue which has recently received considerable public attention, with a focus particularly on domestic violence, an issue raised during discussion centred around the International Year of the Family. Little research has as yet been conducted into the scope or nature of the problem, however, and there is very little statistical data on its incidence or the effects on women who are its victims. It is acknowledged, however, that violence is a significant human rights issue for women in Thailand, and that much needs to be done to improve government services, both in the fields of prevention, services for victims and prosecution, and in changing public attitudes towards such violence, and its victims.

270. Strong legislation is in place to protect women against sexual violence and other violence. Penalties for rape are "imprisonment for four to twenty years and fine of 8,000 to 40,000 baht", a penalty that may increase up to life imprisonment for rape using a gun or resulting in grievous bodily harm to the victim. Penalties for "indecent acts" are however considerably lighter, reflecting the original stress in the law on offences which can lead to pregnancy. Protection against other assaults is also strong.

271. There is however no protection for women within marriage against rape or sexual assault. Similarly, there is as yet in Thailand has been steadily increasing over sexual harassment, in the workplace or other settings, and this is an issue which has yet to receive significant public attention.

272. Police Department statistics reveal that the number of reported rapes in Thailand has been steadily increasing over the past 14 years, as shown in Table 12. The 1995 figure represents 6.4 reported rapes per 100,000 in the Thai population. The table also shows that over the reporting period there has been a trend for the rate of arrests to improve, from 62 per cent to more than 70 per cent.

/...

| Table 12: Rapes Reported to Police and Arrests for Rape | | |
|---|---|---|
| | No. of Rapes Reported | Number of Arrests |
| 1982 | 2,546 | 1,586 |
| 1985 | 2,609 | 1,696 |
| 1990 | 2,514 | 1,742 |
| 1991 | 2,548 | 1,833 |
| 1992 | 2,742 | 1,996 |
| 1993 | 3,356 | 2,149 |
| 1994 | 3,642 | 2,567 |
| 1995 | 3,769 | 2,668 |

273. These statistics need to be treated with caution, however. It is generally agreed that many, probably the majority, of rapes and sexual assaults are not reported to police, primarily due to misplaced shame or fear of the process of reporting and prosecution. It is thus difficult to draw any conclusions about the overall rate of rape and sexual assault in the Thai community, except that it is certainly considerably higher than these statistics indicate.

274. The other major source of statistics is the Department of Corrections. Table 13 indicates the number of convictions leading to jail terms for sexual crimes in Thailand. These include both crimes related to prostitution and to sexual assaults, so it is difficult to draw any firm conclusions about the meaning of these figures, although it is obvious that there is a trend for the number of people imprisoned for sexual offences to increase.

| Table 13 Imprisonment for Sexual Crimes | | | |
|---|---|---|---|
| Year | Men | Women | Total |
| 1991 | 2,845 | 74 | 2,919 |
| 1992 | 2,121 | 73 | 2,194 |
| 1993 | 2,597 | 77 | 2,674 |
| 1994 | 3,104 | 110 | 3,214 |
| 1995 | 3,492 | 103 | 3,555 |

275. It is clear that over the reporting period there has been an increase in the level of services available to women who are victims of violence, primarily in the form of a number of hotlines operated by NGOs which offer initial advice, counselling and support to women with a range of difficulties, including those related to violence. Counselling services more broadly are still considered inadequate, however, as are the courses currently used to train counsellors. The NCWA has been campaigning to update university training courses for counsellors, particularly in the area of gender issues, and it is hoped that as training improves, young counsellors will be better equipped to assist women to deal with problem arising from violence against them.

276. It has also been acknowledged that a great deal needs to be done to train police to handle reports of sexual assaults sensitively and appropriately. Under a pilot program, female police officers have been appointed as investigators at three Bangkok police stations (this was a position previously not occupied by women), with the expectation that they will be more able to deal with victims of sexual crimes. This program is as yet in its very early stages, and a great deal of work will be needed to ensure these officers are able to work effectively with their male colleagues, but it does represent an acknowledgment of the need for improvements in this area.

277. The NCWA has also instigated a program for these female officers and approximately 60 male officers to train them to sensitively and effectively assist women and girls who are victims of sexual and other crimes of violence. This program was being arranged as this report was written.

278. The NCWA is also acting to attempt to reduce the availability of pornography, as it is believed that it is a contributing cause of sexual violence. A working group is considering law reform in this area, which would particularly address the penalties for producing and selling pornography, which are currently very low, and seek to remove loopholes in the law which make successful prosecutions difficult. The NCWA's legal sub-committee is also now examining the issues raised by the distribution of pornography through the Internet.

279. A further problem in this area is entrenched social attitudes towards victims. During the International Year of the Family the NCWA and NGOs did target the issue of the unacceptability of domestic violence, but social attitudes which suggest this is a private matter in which authorities or other outside people should not intervene remain strong. Similarly inappropriate attitudes towards victims of sexual assault tend to discourage them from reporting the crime, as well as often leaving them with misplaced shame and guilt.

## Article 16: Marriage and Family Law

*1. State Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:*
*(a) The same right to enter into marriage;*
*(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;*
*(c) The same rights and responsibilities during marriage and at its dissolution;*
*(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;*
*(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;*
*(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;*
*(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;*
*(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.*
*2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.*

280. As noted earlier, this Article is the only one for which Thailand has not made significant progress towards withdrawing its reservation. None of the elements of Thai family law noted as failing to meet the standards of (a), (b), (c), (d) and (g) above in the Initial Report have been changed, although plans to remove some of the inequalities have been passed by Cabinet. The issues raised by the legal inequalities have been regularly discussed, and as noted below in some cases reform plans have come close to success, but it has not yet

been possible to reform any of the discriminatory aspects of Thai family law

## (a) Entering Marriage

281. Sections 1445 and 1446 of the Civil and Commercial Code still provide for a man to claim compensation from another man who has had sexual intercourse with a woman betrothed to him. No corresponding right is provided for women. Cabinet in April 1996 approved a change in this law, to allow women the same rights of divorce and compensation as men now enjoy. It is expected, however, that there may be some difficulties in passing this legislation through the parliament.

## (b) Choosing a Spouse

282. Bigamy is still not recognised as a criminal offence, although, following NCWA and NGO campaign, the Interior Department has agreed to record men's marital status on the computerised identity cards which are expected to be introduced before the end of 1996. Cabinet has also directed that officials should check each man's marital status before registering a marriage.

283. These administrative changes will be of great assistance in preventing women from being the unknowing victims of bigamous unions. In such marriages second and subsequent wives are not entitled to any of their husband's property, and may suffer from effective loss of joint property, because the union is considered illegal.

## (c) At Dissolution

284. As noted above, although the inequality whereby a man may divorce his wife for "adultery", while a wife may only sue for divorce if "the husband has given maintenance to or honoured such other woman as his wife" remains, Cabinet has agreed to its removal. Entrenched social attitudes are however expected to make this a controversial move.

285. With regard to maintenance after a divorce, the law allows for the Court to order a living allowance for a spouse judged the innocent party in a contested divorce, but this happens only rarely. In an uncontested divorce, the couple may sign a legal agreement on payments, or the court may decide.

286. In 1992 an important law reform provided for the court to order a levy on the income of a husband to ensure child support or maintenance payments are made. However, many separations and divorces do not involve the legal system and thus this legal remedy is not available.

## (d) Parental Responsibilities

287. A study in 1995 found that on average 68 per cent of mothers had sole custody after a divorce, while only 10 per cent of fathers were in that position. In 22 per cent of cases the custody was shared. Maintenance orders can be made by the court in the interests of the children whether or not the custodial parent has been judged as the cause of the divorce, but as with the living allowance, enforcement of payment is very difficult. As many cases do not reach the courts, the most common practice is to rely on witnessed agreements, but these are not practically enforcable.

288. An NCWA study found that while one half of divorced fathers said they were willing to pay child support, only about one in five actually made the payments. Four out of five divorced women are therefore left to raise their children on their own.

289. If a court order has been issued, payments may be automatically deducted from civil servants' wages to pay child support, while in less formal cases the supporting parent may appeal to the worker's superiors. In such cases a committee of co-workers will examine the

case, and if judged appropriate the non-supporting parent must sign a maintenance contract before his or her superiors.

290. In the private sector, however, there are generally no provisions for automatic payment of child support. The attitude of most employers is that any problems that arise are not their concern.

## (e) Personal Rights

291. As noted in Thailand's Initial Report, under the Name Law married women must use their husband's surname. Widows can use either their late husband's surname or their former surname, and divorced women are forced to return to their original surname. As soon as a woman marries the law states she must report to district officials who will alter her surname and change the title on her home registration documents from Miss (*nangsao*) to Mrs (*nang*). (Within the Thai language there is no comparable change in title for men.) If a woman does not change her registration documents on marriage she will be fined 200 baht every time she enters a legal transaction, or officials may refuse outright to carry out the transaction. Every time a divorced woman carries out a legal transaction she must show her divorce certificate to explain different names in which documents may be registered.

292. The current Name Law states that if the father's identity is known, a child has the right to use his surname. This is generally interpreted as meaning children must use the name, even when, for example, they are living with their divorced mother. The Supreme Court has ruled the children have the right to choose, but practice has not yet caught up with the legal situation.

293. An attempt was made to change the law in 1986, but it was defeated by only two votes in parliament. A new law has been proposed, and is being supported by the NCWA. It states that both married men and women can use either their original surname or that of their spouse, divorced men and women must return to their original family name and widowers and widows can choose to use either name.

## 2. Minimum Age of Marriage

294. Betrothal and marriage can take only when both parties "have completed their seventeenth year of age", although for individuals under 20 the consent of their parents is also required. For an individual below this age to marry, the consent of a parent or guardian and a court is necessary. Under these conditions the implied minimum age would normally be 15, the age of consent. Section 277 under Offences Relating to Sexuality in the Criminal Code does however state that if a man has sexual intercourse with a girl over 13 but not yet over 15 years of age, with the girl's consent, the Court may grant the couple the right to marry and the man will not be punished.

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# Appendix

Report Preparation

This report was prepared by the ONCWA, under the supervision of an ad-hoc sub-committee of the NCWA specially formed for the purpose. The preparation of this report drew heavily on previous research and consultations used to prepare the Twenty-Year Perspective Plan for Women and Thailand's Report to the Fourth World Conference on Women. Individual organisations, both government and non-government, were consulted in areas where it was felt more information was needed.

In addition, five special consultative meetings, attended by a total of more than 100 people, were held to address specific issues which have previously been little investigated, or on which it was felt more information was needed. These were: Thai Women and Cultural Pursuits; The Human Rights of Non-Thai Women in Thailand; The Human Rights of Women With Disabilities in Thailand; Careers Advice in Thailand and The Effects of Stereotypes on the Lives of Young Thai Women and Girls.

Finally, a consultative meeting, attended by approximately 70 representatives of NGOs and government organisations, was held to consider the final form of the report.

Organisations Consulted in the Preparation of the Report

It is impossible to list every organisation which has assisted in the preparation of this report, as well as the many individuals who have freely given their time and expertise, but the following list recognises some of the contributions.

Government Organisations

Chulalongkhorn University, Committee on the Establishment of a National Institute on Children and Family Development, Mahidol University, Department of Agricultural Extension, Ministry of Agriculture and Cooperatives, Division for the Protection of Women's Rights, Department of Public Welfare, Division of Agricultural Management, Department of Agricultural Extension, Division of Occupational Welfare, Department of Public Welfare; Division of Women, Child and Youth Development, Community Development Department; Hilltribe Welfare Division, Ministry of Labour and Social Welfare; House of Representatives and Senate Committee on Women, Youth and the Elderly; Labour Welfare Division, Ministry of Labour and Social Welfare; The Institute for Women's Research and Development (IWRD); International Cooperation in Criminal Matters Division, Office of the Attorney General; The Judge Advocate General's Department, Office of the National Security Council; Military Legislation and Foreign Affairs Division, Ministry of Defence; Naresuan University; National Institute for Development Administration; Women's Research and Development Centre, Prince of Songkhla University; Setsatien School for the Deaf; Srinakharinwirot University; Women and Youth Studies Programme, Thammasat University; Women's Studies Centre, Chiang Mai University; Women's Studies Centre, Prince of Songkhla University.

Non-Government Organisations

Anjaree Lesbian Group; Association of Physically Handicapped of Thailand; Centre for Networking on the Rights of the Child; Centre for the Protection of Children's Rights; Coalition to Fight Against Child Exploitation (FACE); Council for Women's Development of Sakon Nakhon; Education Means Protection of Women Engaged in Recreation (EMPOWER); Friends of Women World Banking Association; Foundation for Women; Gender and Development Research Institute; Hill Area Development Foundation; Hotline Center Foundation; National Council of Women of Thailand; Raindrop Foundation; Women in Politics Institute; Women Lawyers Association of Thailand

International Organisations

United Nations Development Programme (UNDP); United Nations High Commissioner for Refugees (UNHCR); United Nation's Children's Fund (UNICEF).

# Appendix: Individuals Involved in the Preparation of this Report

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**Consultative Seminar on The Human Rights of Non-Thai Women in Thailand**

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**Consultative Seminar on The Effects of Stereotypes on the Lives of Young Thai Women and Girls**

**Chairperson:** Professor Dr. Pensri Phijaisanit

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(Aged between 15 and 25, drawn from a selection of educational institutions in and around Bangkok)

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**Consultative Seminar on Female Youth's View on the Convention on Elimination of all Forms of Discrimination against Women**

**Chairperson:** Professor Dr. Pensri Phijaisanit.

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Miss Wanwipha Netpraphai
Miss Pitinun Charoenphol
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**Consultative Seminar for Consideration on Draft Report on the Implementation of the Convention on the Elimination of all Forms of Discrimination against Women**

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